

THE HOME GOVERNMENT OF INDIA, 1834-53

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ABSTRACT

This thesis is a study of the impact of British politics on Indian policy during the twenty year period which followed the renewal of the East India Company's Charter in 1833. The view taken is that the policy of the Home Government of India is inseparable from that of the Ministry generally. Within the 'dual' system of the Home Government the Cabinet Minister for India, the President of the Board of Control, is seen to exercise a dominant role while the Court of Directors of the East India Company, a body of Indian experience, act, with a varying degree of success, the part of a check upon his authority. The changes centering around the Reform of Parliament in 1832 redefined the basis of British politics and gave rise to a "precocious development of party politics" with an accompanying alternation of party governments which continued throughout the twenty years under review. Owing to this development two sets of Indian policy emerge during this period, one proper to the years of Whig administration and one associated with those of Sir Robert Peel's Conservative Ministries. The pervasive influence of Ministry and party extends even to the highest offices in the Indian administration at this time for, starting with Auckland, the Governors General are selected from their respective Cabinets and go out to India in the full knowledge of the views of the British Government. The determining role of British history on Indian development

is therefore observed as it acts through the work of the Cabinet Minister for India in association with the Ministry's appointee, the Governor General.

The twenty years over which this study extends provide a sufficiently long time to trace the development of significant aspects of Indian policy in four principal areas, those of finance, foreign affairs, the native states and law reform.

PREFACE

As this thesis is concerned with the work of successive Cabinet Ministers for India the private papers of British statesmen have provided the most important sources of material. The greater part of these papers are to be found in the India Office Library, the Public Record Office, and the British Museum and I should like to thank the staff, in general, of these institutions for the kind help they have always given me. To meet the expenses incurred in viewing papers outside London the Central Research Fund of the University has provided the necessary funds. The Charles Henry Foyle Trust and the Mercer's Company of the City of London have also provided timely financial help while the Institute of Historical Research has supplied a tranquil place in which to write. My thanks also go to Mr. S.W.Shelton of Glyn's Bank in Lombard Street and to Miss K.E.Bryon of Martin's for the time they took in showing me the papers in their keeping bearing on East Indian affairs.

My work was commenced under Mr. John Harrison of the School of Oriental and African Studies and completed under Professor K. Ballhatchet. Under the tolerant guidance of Mr. Harrison I was able to develop my own approach to this study while under Professor Ballhatchet's direction I was able finally to come to an end of my Odyssey. Professor C.H.Philips kindly read and commented on part of my work. So too did Peter Marshall of King's College, London, and Professor John Gallagher of Trinity College, Cambridge.

ABBREVIATIONS

Add. Mss.	Additional Manuscripts of the British Museum.
C.H.I.	Cambridge History of India.
E.P.	Ellenborough Papers.
Eur.Mss.	European Manuscripts.
Home Misc.	Home Miscellaneous Series.
N.P.	Negotiation Papers. Papers Respecting the Negotiations with His Majesty's Ministers on the subject of the East India Company's Charter.
O.H.I.	Oxford History of India.
W.P.	Wood Papers.

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Introduction

THE PERIOD AND ITS SIGNIFICANCE

INTRODUCTION

This study is set amidst years of great transformation in Britain, years which saw "fundamental political and constitutional reforms, deep sectional and sectarian controversies ... an extraordinary and precocious development of party politics, some epoch-making administrative innovations and the elaboration of fiscal and financial policies which set the pattern for the rest of the century". The three and a half decades following Waterloo were in fact "the formative period of Victorian Britain".¹ This study commences in the middle of that period, at a time when the Great Reform of Parliament, by giving political recognition to the economic and social consequences of the Industrial Revolution, had profoundly altered the conditions of British politics.

As with Britain, the years from Waterloo down to the end of our period were of fundamental importance in the development of modern India. With the final collapse of Maratha power in 1818 British paramountcy was an undisputed fact. As in the British case, it was the 1830s which saw a fundamental political redefinition in India by Parliamentary enactment. By the Charter Act of 1833, one of a series of measures associated with the Great Reform of 1832, the Governor General of Bengal became the Governor General of India. In the hands

¹See N. Gash, The Age of Peel, p.1.

of the Supreme Government at Calcutta was centralized all legislative and executive power while a Law Commission, charged with the task of elaborating a system of laws, judiciary and police, common to all British India was created and attached to it. The act of 1833 also terminated the trading activities of the East India Company leaving it a purely administrative body completely under the authority of the Crown's Board of Control. Much in the act had a bearing on the social condition of the natives of India, and the years that followed saw the emergence of a national system of education, a public works program, the beginning of the Government's association with the construction of the Indian railway system, the institution of the penny post and the telegraph system. They saw too, the creation of the Indian Finance Department and the reform of the Indian tariff system, controversies on the Government's relationship to the religious practices of Indians, about slavery in India, and the exportation of Indian labour overseas, the conquest of the Sind, of the Punjab, and Pegu and the annexation of a number of princely states.

The remarkably comprehensive character of the Charter Act of 1833 was to a large extent an expression of the nature of the Reform Ministry which brought it forward and the reformed Parliament which enacted it. That this Act forms a watershed in the development of modern India is reflected by the fact that it forms the terminal

point for a number of studies and the starting point for a number of others. C.H.Philips has brought the study of the influence of the Home Government upon British policy in India down to the year 1834. Among the works that have followed since the publication of his East India Company 1784-1834 , B.B.Misra has provided a study of The Central Administration of the East India Company 1773-1834 , and A. Tripathi one of Trade and Finance in the Bengal Presidency, 1793-1833 . Among those taking the Charter Act of 1833 as a starting point have been P.J.Thomas in his Growth of Federal Finance in India from 1833 to 1939 , S.V.Desika Char with Centralized Legislation, A history of the legislative system of British India from 1834 to 1861 and A.C.Banerjee's "The working of the Supreme Government of India and its constitutional relations with the Home Authorities 1833-53".¹

Important though the Charter Act of 1833 was for the subsequent conduct of Indian government, this thesis is not chiefly concerned with the immediate or prospective provisions of that great act of Indian policy. It is concerned rather with the continuing effect of British politics on Indian policy throughout the period. Thus while an entire chapter is devoted to the formulation and passage of the Charter Act of 1833 it is in terms of the duration of successive

¹Cambridge, M. Litt., 1967.

Ministries, Whig or Conservative,¹ that this study is thereafter organized. The extent to which the Cabinet Minister for India, the President of the Board of Control, was able to dominate the machinery of Indian government in England is in itself a measure of the potential influence of British politics upon Indian policy and the question of the control he could exercise constitutes, therefore, a major theme in the discussion of the organization of the Home Government in the first chapter. This chapter is concluded by a complementary discussion of the manner in which British politics acted upon Indian policy in our period. In the second chapter the Charter of 1833 is examined as an act of Indian policy on the part of one Ministry, the Whig Government of Lord Grey, while the criticism of the Conservative Opposition is regarded as a statement of an alternative approach. In chapter three the whole range of Indian policy, analyzed in this thesis, is presented for the first time both under a Whig President and then under a Conservative during Peel's brief first Ministry, 1834-35. Chapter four brings a new phenomenon in the appointment of a Governor General, Lord Auckland, from among the Ministers of the day with the resultant intimate connection between his conduct and that of the Cabinet Minister for India

¹The term Liberal as applied to the Whigs and their allies was gaining currency by the end of the period.

during the years of Lord Melbourne's administration, 1835-41.

The following chapter presents the contrast of Conservative Ministers for India working with Conservative Governors General during the years of Peel's second administration. Chapter six witnesses the return of the Whigs in 1846 with Peel's appointee, Lord Hardinge, left in India till the beginning of 1848. He is then succeeded by the appointee of the Russell Ministry and a consequent shift in policy occurs.

Russell's Government is followed in 1852 by the short-lived one of Lord Derby which provides an example of the effect that a particularly weak Ministry has on Indian policy. This last chapter concludes with the advent of the Aberdeen Coalition in 1853 which embodies both Peelite and Whig approaches to Indian questions. In the Conclusion a summary is made of both Whig and Conservative policy towards India over the twenty years of this study.

Besides the intrinsic importance of the years with which this study is concerned there is another very important aspect of our period deriving simply from its length. These twenty years extend into eight Ministries and five Governor Generalships. They provide a long enough time span to permit of an unhurried observation of the emergence and development of policies and thus minimize the risk of attributing too much to one administration or one individual. They provide, too, the enormous advantage of being able to compare and contrast what was done under one Ministry with what was done under preceding and subsequent Governments.

Chapter One

THE HOME GOVERNMENT: ITS ORGANIZATION
AND THE ROLE OF THE MINISTER FOR INDIA, THE
COURT OF DIRECTORS, AND BRITISH POLITICS
DURING THE YEARS 1834-53

Chapter 1

"If the East India House only arrests the eye of the passenger, there is nothing in the building particularly calculated to make him pause in the midst of the busy thoroughfare of Leadenhall Street", we are told by an observer of the London scene about 1843.¹ "The howling and the yelling of the bidders" at the Company's sales which had once been heard as far away as Leadenhall market were a thing of the past. For under the Charter Act of 1833 the United Company of Merchants of England Trading to the East Indies, after an existence of over two hundred years, had been commanded by Parliament to suspend its commercial activities and to hold "in trust for His Majesty ... for the service of the Government of India" all its assets whatsoever.² The long process by which the East India Company had evolved from a trading into a purely administrative body had thus been brought to its final and abrupt completion.

¹Charles Knight, London, vol. 5, p.49.

²3 & 4 William IV, c 85 s 1. The Charter Act of 1833 received the Royal Assent on 28 August 1833 and took effect from 22 April 1834. Over the next four years the Company substantially completed the task of winding up its commerce. Under the disadvantage of forced sale it disposed of its tea and sold its indigo, pepper, salt-petre, silk and silk piece goods for some £8,000,000. Its ships, ships stores, warehouses and other property were sold for rather under £1,000,000, while its liquid assets brought the total realized to just over £15,000,000. P.P. 1837-38, vol. XLI, paper 206.

The East India Company as a corporate entity did not, of course, disappear. But henceforth it was to be simply "an organ of Government for India" and as such its every act was to be under the "superintendence, direction and control" of the Ministry of the day, through the instrumentality of the Crown's Board of Control. The continued existence of the Company, however, ensured the survival of those traditions of government which had evolved with the rise of British dominion in India. How effective the tradition of the Company administration would be and what authority its Directors, Proprietors and permanent officials would wield under the new dispensation introduced by the Charter Act remained to be discovered. It was believed or asserted that the dual system of government in England, by both Crown and Company would provide a check against an uncontrolled exercise of power by a single body. Commenting on the 'India Bill', the Governor General, Lord William Bentinck welcomed the preservation of the Company as an intermediate, counselling body. The President of the Board was, he said, "an accidental and ever changing figure", but the Court of Directors would serve as a valuable check on hasty measures, and legislation.¹ Thomas Babington Macaulay, as the Ministry's spokesman for the Bill, argued in the Commons "that the Crown must have a certain authority over India, that there must be

¹Bentinck, Minute on the India Bill, 29 January 1834, Bengal Secret Consultations, I.

an effective check on the authority of the "Crown" and that "We have such a body - the Company".¹

The question of whether Macaulay's statement was more than a rhetorical flourish, an appeal to the constitutional philosophy of Locke's Two Treatises on Government to justify a plan for the government of India which retained a Chartered Company in an age of reform, is more than an invitation to the always enjoyable task of assessing Macaulay's objectivity. The Reform Act of 1832 and the Charter Act of the following year profoundly altered the circumstances of British politics and Indian government, the influence of the former upon the latter became more far reaching and intense. As a Cabinet Minister the President of the Board was naturally more subject to these influences than were the men at the India House who were primarily a body of Indian experience. How and in what manner the Company really could serve as a check upon the power of the Minister in the new state of things is a question of major importance for this study, one to which the following section, besides fulfilling the obligation to describe the complex system and the various establishments of the Home Government, should provide the material for an answer.

.. ..

¹Hansard, 3S, XVIII, 515, House of Commons, 10 July 1833.

The Select Committee of 1832, on the affairs of the Company, stated that since Pitt's India Act of 1784 the Proprietors of East India Company stock had been "virtually precluded from all substantial interference in the affairs of India."¹ Though the Proprietors were not without significant effect on the composition of the Company's administration, functionally, at least, they were the least important part of the home government. By the terms of their renewed Charter the Proprietors became annuitants on the finances of the Government of India. In return for the transfer of the Company's assets to the Government, the dividend on their stock which had long stood at $10\frac{1}{2}\%$ per annum was guaranteed to the Proprietors at that rate for the next forty years, at the end of which period payments would cease and their principal would be redeemed.²

¹P.P.1831-32, vol.VIII,p.11. Prior to 1784 the Proprietors had had the power to rescind or alter resolutions of the Court of Directors, occasioning "prolonged and bitter strife between the two bodies". Philips, p.3.

²3 & 4 William IV, c.85, ss 11 & 12. Their principal was to be redeemed at £200 (roughly the market value in 1832) for every £100 worth of stock, which would involve a payment of £12,000,000 in 1874. Irrespective, then, of what Parliament might decide at the Charter renewal of 1853 a statutory limit had been put on the Company's existence as a corporate body. Though it ceased to be an administrative body by Act of Parliament in 1858, the Company's legal existence continued until 1874.

The quarterly meetings of the Proprietors, the General Courts, held in the old Sale Room of the India House,¹ were regularly called, however, and continued to serve as a forum for the public debate of Indian affairs though the attendance was now numbered in tens rather than in the hundreds of former years.² The Court of Proprietors retained its right to petition Parliament in the name of the Company, and to call for any papers in the possession of the Court of Directors - all of which powers they frequently exercised. The Chairman of the Court of Directors who presided over the debates usually managed to avoid or delay the adoption of a motion that would prove embarrassing. But on occasion the Directors themselves might be found among the critics of a particular policy and ready to make use of the Court of Proprietors, for we find one President of the Board irritatedly remarking of the Directors: "All that they can do if they wish to make their dissents public [is] to get some meddling gentleman to move

¹The meetings were held in March, June, September and December. Special meetings could be called on the petition of nine or more Proprietors.

²Philips, p.3, gives two or three hundred as a representative figure during the early part of the century. The published Debates at the India House, 1845-58 give figures for divisions on important questions ranging between thirty and seventy votes. See also P.P. 1852-53, vol.XXX, p. 332.

for them either in the Court of Proprietors or in Parliament. But even then the President has the power of refusing to give any paper connected with the Secret Committee; and if the Government has a majority in Parliament may easily dispose of any motion to that effect",¹ a remark which reveals something of the relationship of these General Courts to the larger arena of public opinion on India. The Proprietors' debates did provide a valued platform for the more outspoken critics of the Indian administration,² and the fact that journalists were allowed into the gallery of the old Sale Room, and that such specialist periodicals as the Asiatic Journal and the Indian News reported the debates in detail ensured that their criticism would receive some publicity.³

¹Home Misc., 859, p.214, John Cam Hobhouse to Lord Dalhousie.

²Some of the more outstanding of these were - the ubiquitous radical Joseph Hume, the father of Alan Octavian, one of the founders of the Indian National Congress; Malcolm Lewin, brother-in-law of the historian George Grote, who came into serious collision with the Governor of Madras, Lord Tweeddale; George Thompson, agent for the King of Delhi and instrumental in the founding of the British India Society; John Dickinson at whose house in St. James' Square the British India Society was formed; Holt Mackenzie and John Sullivan.

³The reports of these debates give us the only verbal accounts of the opinions of the Directors other than Parliamentary Reports and private correspondence and their dissents from decisions of the Court as a whole. The Minutes of the Court of Directors give no record of the acts of individuals, simply that of the Court as a whole.

More important to the home government than the above function was the fact that the Proprietors formed the electoral body for the Court of Directors of the Company. The voting qualifications, unchanged by the latest Charter, were at least £1,000 of India Stock for one vote, £3,000 for two votes, £6,000 for three and £10,000 or upwards for the maximum of four votes. In 1852 there were 1,765 Proprietors entitled to vote and of these 413 were entitled to more than one vote, bringing the total of votes which could be cast to 2,332.¹ The franchise, then, was quite broadly distributed and from 1834 onwards the Proprietors were able to vote by letter of attorney if they did not wish to make the journey to the India House.

This provision profoundly affected the nature of the canvass made for a seat in the Direction, for as a candidate who was at length successful relates, the time was gone when "the united interests of influential London Merchants and bankers could secure an election. Every one of the 2500 Sic Proprietors had to be solicited in person or by letter".²

¹The number of Proprietors with the vote in 1832 was some 211 more, namely 1,976, while the number of votes that could have been cast was 336 greater or 2,668. P.P.1831-32, vol.IX, q. 12; P.P.1852, vol. IX, Appendix, p.345.

²H.T.Prinsep. Three Generations in India, p.271. See also Testimony of W.G.Bird, P.P.1852, vol. X, q.1149.

One of the main motives of the Proprietors in continuing to exercise with such care their right to elect the Directors was that this gave them a claim to a share in the patronage enjoyed by the latter. Openings in the Directorate were few and keenly contested, so that the voters could require of those who solicited their support a due reward in civil and military appointments for their families, friends or clients.¹ However private interest and public responsibility did not prove mutually exclusive within the proprietary body. Many Proprietors were personally connected with India,² as the Select Committee had noted, and actively interested in its affairs. The result was, as John Stuart Mill pointed out to the Select Committee of 1852, that those who possessed influence, exercised it with a sufficiently strong sense of responsibility to prevent them from selecting any person unfit to fill the post.³

¹The Report of the Select Committee of 1832 gives as reasons, in addition to a profitable investment, for becoming a Proprietor, "connection with that country (India) ... a desire to take part in the discussion of Indian affairs at the General Courts; and for the purpose of promoting the election of their friends and participating in the patronage". P.P. 1831-32, vol.VIII, p.11.

²The occupations of the Proprietors are not known in their entirety, the Company's stock ledgers give only partial evidence on this subject. See P.P. 1831-32, vol.IX, q.26 and Appendix B, p.323. From scattered references and from the known occupations of the fathers of the Company servants, many of whom were Proprietors, we know that aside from Company servants, who were not much more than a seventh of the total, there were widows, spinsters, officers of H.M.'s forces, clergymen, members of the gentry and a few of the nobility, and members of the banking and commercial communities - these last were less numerous after the cessation of the Company's trade. See also PP.1852-53, vol.XXX, q.3007.

³P.P.1852-53, vol.XXX, q. 3006.

There is a parallel here with Parliamentary elections prior to 1832 - but also with the gradually rising standards of public behaviour visible in the politics of early Victorian England.

The greatest deterrent to men whose experience and standing made them eligible for a seat on the Direction were the rigours of the canvass of the Proprietary body. From five to seven years were commonly required of a successful candidate, involving travelling about the country, attending election committees and maintaining a private clerk - all at considerable expense.¹ Some of the Company's most distinguished civil and military servants confessed themselves dissuaded, by this 'undignified' ordeal, from attempting to obtain what should have been the complement to their careers in India, although it was claimed that had they come forth they would have been elected in due course.² Nonetheless testimony before the Select Committee³ of 1852 shows that it was clearly a matter of concern that 'particularly distinguished Indian servants' should be elected or appointed

¹ P.P.1852, vol. X, q.1735, Testimony of the Director W.H.Sykes, who expended £2,228 on his canvass.

² P.P.1852, vol. X, q.754. The list of candidates given in the Asiatic Journal, 3S, vol. 2, Nov. 1843-April 1844, appears to support this assertion. Over half were successful including the two most outstanding, R.D.Mangles and H.T.Prinsep, both former members of the Supreme Government of Calcutta.

³ Prior to the Charter Acts of 1833 and 1834 there were of course Parliamentary investigations. The Select Committee of 1832 was on the affairs of the East India Company while that of 1852 was, significantly, on the affairs of the Indian Territories.

to the Directorate with less difficulty than had been the case.¹

Despite initial proposals to the contrary, the constitution of the Court of Directors had been left unchanged by the Charter of 1833. This branch of the home government continued to be formed from a body of thirty men - twenty four of whom at any one time formed the Court, each Director serving for four years and going 'out by rotation' during the fifth. At the general election, which took place each year on the second Wednesday in April, the six Directors who were 'out' were re-elected by the Proprietors as a matter of form from the 'House List' which was submitted to them by the Court. It was in fact only by the death or resignation² of a Director that new men could enter the Court, and such opportunities arose at the rate of slightly more than one a year.³

¹P.P. 1852, vol. X , qq. 172 and 2418-24. The proposals put forth by W.H.Sykes, and Viscount Hardinge of Lahore.

²The customary method of resignation was for the Director to reduce his India Stock below the required £2,000 and thus to 'disqualify'.

³In the twenty years after 1833 twenty-two new Directors were elected, fifteen upon the death of the Director they replaced, seven because of a resignation. In the former case an election during the course of the Company year, from April to April, was necessitated. The incoming Director would, in such a case, assume the duties of the Director he replaced.

If we ask what manner of man secured election we find that of the fifty-two men who were members of the Direction between 1834 and 1853, some thirty-three had served in a civil, military or legal capacity in India.¹ Of the nineteen others, five had served in the Company's maritime service, two had been supercargoes at the Canton factory (abolished by the Act of 1833), five were merchants, and seven were bankers who had never resided in the East.² Significant for the trend it reveals is the fact that of the twenty-two men who entered the Direction after April 1834 only two, both bankers, had no personal experience of India or China. It was indeed their continuing interest in matters Indian, and the appetite for managing policy and the habits of action formed in responsible positions in the Company's service, which led men on retirement to seek a place within the Directorate. Colonel A. Galloway thus confessed to Bentinck when soliciting his help in the canvass, "I know not what it is but I feel quite lost for want of some employment -

¹By the term "legal" we wish to distinguish those Directors who had occupied posts in the King's Courts in India. It was of course normal for Company civil servants to perform magisterial and judicial duties.

²These categories are not mutually exclusive. Ex maritime servants were quite likely to become merchants. The great majority of Directors were however retired with no duties more demanding for example than serving on the Board of Governors of an insurance company.

except indeed that I am undergoing the drudgery of electioneering".¹ There is some evidence too that the Company servant who aspired to a seat on the Direction did not lack the encouragement of his fellows in his particular branch of the service to make or make good his candidacy.² For merchants and bankers, however, the Direction of the Company had become less attractive with the cessation of the Company's trading activities. As John Stuart Mill put it, there were "not the same inducements as formerly ... either to hold stock or to become Directors",³ and this would explain the smaller number of men in these professions who were prepared to attempt the canvass of the Proprietors.

The choice of men, many of whom had seen years of service in India and had undergone the lengthy process of selection for a vacancy in the Court, ensured that the Directors were by and large men of mature years. 'Our Eastern Sages' or 'those old men' was the sort of epithet an impatient or petulant President of the Board might use about them. And indeed some of our Directors had begun their careers in the days of Cornwallis and Wellesley - over a third

¹Bentinck Mss., Galloway to Lord William Bentinck, 6 Nov. 1835.

²Ibid.

³P.P. 1852-53, vol.XXX, q.3007.

had entered the service before the clear establishment of British supremacy in India consequent on the fall of the Maratha empire in 1818. Acutely aware that the manner in which the empire had been obtained had often required the acquiescence or even the support of the Indians themselves, the Directors were less open to those forces exerted on the Minister for India which, favouring change, would blur the tenets of caution. To them, the continuance, the very existence of British rule in India depended on restraint or non-intervention in certain vitally sensitive areas. Chiefest of these was the religious, and hence much of the social life and laws of the people. This meant the stringent observance of "the compact of the British Government with the people of India to secure to them the full observance of their religion and laws";¹ upon this depended "not only ... the lives and fortunes of every European in the country ... but the very existence of our Government".² Also vital was 'the faith of treaties' made with a welter of Native Princes, the result of the varied, piecemeal manner in which the empire had been acquired. To that view, to which the Benthamite Examiner of Indian correspondence at the India House gave such eloquent expression, that the happiness of the greater number of Indians

¹ E./2/12, 226, Court of Directors to the President of the Board of Control, 13 June 1833.

² H.H. George Tucker, Memorials of Indian Government, ed. J.W. Kaye, p. 355.

lay "frankly and simply" with the extension of British administration to the Native States,¹ they could oppose the view that unwarranted intervention in the affairs of these states could not fail to shake the attachment and confidence of every native prince and chieftain throughout India, and might at some future period lead to consequences greatly to be deprecated. The conviction that the extension of the Empire would be an evil, because addition of territory strained its resources and threatened its stability, was an attitude which was as old as the Company's territorial dominion itself, and which continued to characterize the position of the Court as a body during these years of great activity on and beyond the borders of India.

The course of British politics after 1830 did much to strengthen the conservative tendencies within the Direction.² This was true above all of the passage by the reformed Parliament of the Charter Act of 1833 which came virtually at the dictate of Parliament and the Ministry fundamentally changed the character of the Company, and instituted the greatest changes since the days of Cornwallis, in its Indian administration.

¹P.P. 1831-32, vol.XIV, qq. 36 and 43. Evidence of James Mill.

²Politically the Court were overwhelmingly Conservative, and were regarded as being so by their contemporaries. Of the thirteen Directors who sat as Members of Parliament in the years 1834 to 1853 nine were Conservatives and only four are listed as Liberals, see C.R.Dod, Electoral Facts.

Such basic continuity of attitude among the Directors was the more understandable because the ties which were the result of common service, frequently as colleagues on board or council in India, were carried over by the Directors into their life in England. They chose dwellings within easy reach of Leadenhall Street, residing for the most part in the agreeable borough of St. Marylebone. Upper Harley Street, Portman Square and Devonshire Place are addresses that occur more than once in the Company's official directory, the East India Register. Within this locale, where a retired 'Indian' of substance, though not necessarily of great wealth,¹ could afford to reside, the Directors and their families carried on a lively social intercourse. Charlotte Maria Tucker, the daughter of one Director, gives us a picture of a ball at which there were "the misses Cotton, two misses Galloway, two misses Shepherd, the Eastwicks were not there but our friend Colonel Sykes was", a roll call in fact of Directorial names.² And there, too, on occasion might have been seen the Duke of Wellington, or Charles Grant, Lord Glenelg, other examples of the Indian connection. In

¹We wish to distinguish here between the estate of John Thornhill, formerly of the Bengal Civil Service, valued at £30,000, a representative figure for civilians, with that of those merchants or bankers in the Direction who were worth ten or more times as much. See Thornhill Papers.

²A. Giberne, A Lady of England, pp. 25 & 36.

close proximity were also to be found the Royal Asiatic Society in New Burlington Street and the Oriental Club in Hanover Square. Of the latter a contemporary writer acidly commented, "It is the region of calico shirts, returned writers, and guinea pigs grown into bores". "Enter it", he said "and it looks like a hospital in which a smell of curry powder pervades the wards".¹ Even without the growing number of merchants and others from India there was a considerable body of men with Indian experience to support such institutions. It was estimated by the Secretary to the Company in 1852 that there were "in this country upwards of 1600 persons, including those on furlough, who have been in the service in India ten years or upwards".² Not surprisingly intermarriage among families with a tradition of service in the East was common, and

¹A.F.Baillie, The Oriental Club and Hanover Square, p.113. The Royal Asiatic Society was founded in 1823 as the London counterpart of the older Asiatic Society of Bengal, and the Oriental Club in 1824. The tone of the comment on the returned 'Indian' is reminiscent of earlier attitudes towards the eighteenth century 'Nabobs'. But as the sober concept of service in the Indian civil or military administration replaced that of the romance of the private fortune, the status of the Company's servants steadily rose. A milestone in this process occurred in 1818 when the Prince Regent signified that officers of the East India Company might be raised to the dignity of Knight Commander of the Bath (K.C.B.). Henceforth the acquisition of Royal Honours became a widely sought after recognition, not least among the Directors themselves.

²P.P.1852-53, vol.XXX, q. 299.

on the basis of the available pedigrees the Directors were no exception. It would be incorrect, however, to view the Direction as a group of men connected primarily by blood ties to one another. It was a common experience in India, and an interest in Indian affairs carried over to home, that seems to have been the most significant bond between the members of the Directorate.

The constant changes in the composition of the Court, both annually by 'rotation' and intermittently by death or resignation, as well as the independence of mind and the variety of experience of this body of men, might favour fluctuations on policy on particular issues. The complaint of one Director, W.H.Sykes, was not unique: "If it is derogatory to individuals to vacillate in opinion and line of action how much more so must it be to a grave deliberative body charged with the highest and most important functions."¹ But if policy over a longer period is considered, continuities of approach can clearly be seen, and for this reason it is better to think in terms of the attitudes or tendencies of the Court as a body when we assess its role in policy formation. That body was an elderly and cautious one. The great changes that were enacted in the constitution of the Company and the Government of India in 1833, changes which came in the manner of a dictate riding the crest of

¹B/244, p.256. Dissent of 24 July 1844. In a dissent of 10 November 1838, H. St. Geo. Tucker speaks of the 'fluctuating councils' of the Court. B/242, p.560.

the reform movement, were greatly to strengthen the conservative tendencies, born of Indian experience, within the Direction.

The first function of the Court of Directors was to apply their collective experience of India to the reviewing of administration and policy. The second was to appoint and train those who would form the new generation of administrators and soldiers in India. We have the testimony of the Company secretary, James Cosmo Melvill, that the latter constituted virtually their own reward as Directors.¹ What the value of this patronage was cannot of course be readily estimated, for as Peter Auber, Melvill's predecessor saw, its subjective value differed with the individual who possessed it.² For the bankers, for example, its possession acted as a valuable inducement to custom,³ but it also provided more general satisfaction to all Directors. As Lord Ellenborough, an ex-President of the Board and ex-Viceroy, observed, since it was of infinite importance to a man to get a cadetship or a writership for his son or nephew, which

¹ Their salaries, £500 for the Chairman, £300 for the Directors, would scarcely in themselves have attracted able men.

² P.P. 1831-32, vol. IX, q.80.

³ B.W. Currie, a partner in the banking firm of Glyn, Mills and Co., recounts of the Director, Charles Mills, that he "very fairly distributed the valuable patronage which belonged to that office, though as he used to tell me, an application from a good customer of the bank was not often refused". Recollections, vol. I, p.94.

was an entire provision for life, the power of bestowing such a boon made the Director "a man of great social influence".¹ Indeed the prestige of possession of the patronage of an empire was a glorious thing in itself.

Substantially the Directors' patronage consisted of the initial appointments to the civil, military, medical and marine services of the Company.² The total number of appointments to be made in any one year was divided into twenty eight parts; the Chairman, the Deputy Chairman and, by invariable custom, the President of the Board too, each received two 'shares', while each of the remaining twenty-two Directors received a single share apiece. In the years 1834-35 to 1851-52 inclusive there were on an average 35 civil appointments or writerships, 286 military cadetships, 44 assistant surgeonships and nine appointments of midshipmen in the Indian navy to be made per annum.³ That is to say one and a quarter writerships, roughly ten cadetships, and something over one and a

¹ Hansard, 3S, CXXVIII, 5, Lord Ellenborough, House of Lords, 13 June 1853.

² Appointments to the home establishment were also made by the Directors. They also made the 'subsequent' appointments of the Superintendent of the Indian Navy, the general officers on the staff of the Company's armies, the masters-attendant in Bengal and Madras, the volunteers for the pilot service in Bengal, the law officers to the Government for each of the Presidencies, and with the previous consent of the Archbishop of Canterbury or the Bishop of London, the chaplains to India. P.P. 1852-53, vol. XXX, q.197.

³ P.P. 1852, vol. X, qq. 223 & 225.

half assistant surgeonships were, on an average, annually in the gift of each Director.

What these appointments would have been worth, had it been in the Directors' power to sell them, was a matter of some speculation among contemporaries. The estimates given in 1853 for a single Directorial share of patronage range between £10,000 and £12,000 a year which is appreciably higher than those given earlier in the century.¹ If we accept an infantry cadetship in the Company's service as being the equivalent of an ensigncy in H.M.'s forces, which we are told was worth about £450, and if we also make allowance for the cavalry appointments and seminary cadetships, fewer in number than the infantry appointments but more valuable individually, then the 10¹/₄ cadetships of a Directorial share would yield a figure of about £5,000 to £6,000 a year. With 1¹/₄ writerships each valued at from £3,000 to £4,500,² plus an assistant surgeonship of unknown value, a Director's total for one year would certainly have been well over £10,000 had he possessed the right of sale.³

¹ Philips, p.15 & n., gives a figure of between £5,000 and £6,000. c.1813. Both the numbers and individual values of the military appointments made in our period appear to have risen over the decades. Not so much with the civil patronage however. This appears to be a reflection of the economies applied to the civil administration in India from Lord Bentinck's time, 1828-36 onwards.

² The Bengal Hurkaru, 31 May and 17 June 1853, pp. 596 and 656 resp.; The Times, 7 April 1853, p.7, col. b.

³ See Bombay Times, 2 May 1853, p.828, col. c.

We have seen that it was public knowledge that the Proprietors shared to an unspecified extent in the exercise of the Directors' patronage. From the poll and patronage books of one Director, W.H.C.Plowden, for the first seven or eight years after his election in 1841, it is possible to identify upwards of two-thirds of those upon whose recommendations particular cadetships were awarded as being Proprietors - and the vast majority of these as having voted for Plowden at his election.¹ Other evidence lends support to the impression given by the Plowden Papers that the Proprietary body was the focus for the distribution of the military patronage.²

¹Home Misc., 820, Plowden Papers. From 1848-9 onwards the proportion going to the Proprietors shows a decline, presumably because a large part of Plowden's electoral obligations had been paid off by this time. It seems probable that after 1833 a greater part than before of the Directors' military patronage went to the Proprietors because of the cessation of the Company's trade deprived the Directors of boons other than appointments with which to satisfy their obligations. The papers of Richard, father of W.H.C.Plowden, a Director in the second and third decades of the century, accord with this surmise.

²A Proprietor writing to The Times in 1853 gives a revealing picture of how the cadetships were distributed. In two cases where he applied for a cadetship he was frankly told by the Directors concerned that 'the contest from which they had just emerged successfully had utterly absorbed their patronage for some years to come'. He went on to show how those who pooled their votes were more successful in obtaining their desires. The Times, 8 April 1853, p. 5, col.a. When the Bombay Times, 2 May 1853, p.829, col. b speaks of "the ten thousand families looking out for Indian appointments" they are obviously using a round figure but it is not impossible that the connections of the approximately two thousand Proprietors with the vote might have accounted for the greater part of this number.

With the civil patronage no such correlation is possible, the Directors appear to have exercised more freedom of choice. A recent study by B S.Cohn provides us with an estimate, based upon the depositions of the Directors themselves, that of the civil appointments made between 1809 and 1850 just less than a quarter were given to kinsmen while just over half were bestowed on the grounds of friendship.¹ The beneficiaries of the Directors' patronage can thus be seen to have been a specific, fairly limited group characterised by ties, either of family, friendship or electoral obligation, with the Directors and hence with the Company.

Those nominated to the Company's service came mainly from the middle classes of British society. The largest group were sons of Company servants, but there were sizeable contingents from among the banking and mercantile community, from British military and service families, from the gentry and the clergy, with smaller numbers from professional families and a mere sprinkling from the nobility. The system produced both a certain continuity and homogeneity throughout the Company. But despite its evident success in supplying the needs of the Company's services, and its role in providing

¹B.S.Cohn, "The Recruitment and Training of British Civil Servants in India, 1600-1860" in R. Braibanti (ed.), Asian Bureaucratic Systems Emergent from the British Imperial Tradition, p.105, table 3.

the main reward of the Directors, the patronage system came increasingly to be seen as an eighteenth century anachronism in nineteenth century Britain. In 1783 and again in 1833 the Company's patronage was threatened by the proposals of Whig statesmen,¹ but with every decade after the Reform Act of 1832 it was public opinion in general to which the spectacle of private patronage on such a vast scale was to prove increasingly tolerable. However, the inevitable substitution of a system of entry by open competitive examination, effected by the Charter Act of 1853, did not result in any great change in the class of entrant into the Indian civil service.² Any change in the character of the military cadets chosen after 1853 was, of course, overtaken by the events of 1857 and the merging of the Company armies with the Queen's forces after the Mutiny, though even here the generalization that the

¹ Charles James Fox in his India Bill of 1783 proposed to place the appointment of Company servants in the hands of seven Crown Commissioners. Under the Charter Act of 1833, ss 103-07, four candidates for each vacancy were to be nominated and allowed to sit a competitive examination. This fourfold system never came into operation, being first postponed and then suspended by act of Parliament.

² For the advance towards open competition see R.J. Moore, Sir Charles Wood's Indian Policy, 1853-66, pp. 85-93.

effect was slight holds too. What occurred in both the services of the Company was a "change in the type rather than in the class of entrant,"¹ the unique characteristic of the services depended not upon the class from which the members came but rather upon the largely personal nature of the ties which existed between the Company and its servants.

Those ties were reinforced by the training which the Company gave to its servants. The Company supplied the European officers for its Sepoy and European regiments² either by direct appointment to the forces in India or, in the case of a selected one in three or thereabouts, after giving them a two year training at the Company's military seminary at Addiscombe in Surrey.³ Some seventy to seventy-five officers a year passed out from Addiscombe, the best qualified of these 'gentlemen cadets' having been trained in the scientific branches of the service, the engineers or the artillery, in that order, with the remainder going into the infantry.

¹J.R.Compton, "Open Competition and the Indian Civil Service, 1854-1876", English Historical Review, LXXXIII (1968), p.283.

²The Company also provided the European troops for its Indian armies - some 15,000 of them in 1834, rising to 30,000 in 1851, using an establishment of recruiting agents throughout the British Isles. In 1834 there were four recruiting offices, in London, Liverpool, Dublin and Cork. In 1839 one was added at Edinburgh and in 1845 one at Bristol and one at Newry in Ulster. The Company's depot at Chatham received the recruits and gave them a basic training before they were sent out to India. L/A.G. Range 26 (2), vol. 110, List of Establishments 1824-58, pp. 750-51. In 1843 the depot was moved to Warley in Kent.

³There were 4,048 European officers in the Company's service in 1834 and 5,142 in 1851, P.P. 1852-53, vol. XXXI, p.93

That one third of the military cadets received a professional training before their first posting was in itself something of a break with the British amateur tradition, but the careful training of all the civil servants of the Company was totally at odds with normal practice. All those nominated to the 'covenanted'¹ civil service were required to spend two years at the Company's civil service college where they underwent a general course of study, including Oriental languages, prior to proceeding to India.² The minimum age for admission to the college at Haileybury in Hertfordshire was seventeen and the maximum age for going out to India was twenty-three. The number of students in residence fluctuated between seventy and ninety-five, with an average of forty students passing out annually in the years 1834 to 1853.³ This small contingent of

¹From the covenant which they signed before going out to India. The usage, like the term writer, derives from the original commercial character of the Company.

²The subjects studied included mathematics, classical languages, history and political economy. Sanskrit was begun in the first term, Persian in the second, and Hindustani in the third, with Telegu available for those who had been nominated to the Madras civil service. Arabic was taught in association with Persian, but Bengali was dropped from the curriculum on the grounds of its limited applicability. Haileybury was the first institution in England to establish a chair in political economy; this study and that of law amounted to a discussion of general principles.

³P.P. 1852-53, vol. XXXI, qq. 4833, 4890 and 4905.

men was sufficient to provide for the entire higher civil service of India, numbering between eight and nine hundred men. The two years which these men spent in common, the prestige of the covenanted service to which they, as the recipients of the most valuable patronage in the Directors' gift, were destined, and the connection which so many of them enjoyed with the Company and with India, account for that 'esprit de corps' by which Sir George Otto Trevelyan differentiated them from their successors, the 'competition wallahs'. When the service was opened to public competition after 1853 the college, not inappropriately, soon came to be abolished; Haileybury and the patronage system 'passed out' from Indian administration together.

The effect of this system of patronage and training upon the government of India was profound. It gave an organic character to the various elements of the Company, binding together the Proprietors, the Directors and the Company's servants in India. By the social ties and family traditions it embodied, by the intellectual traditions which it inculcated, the patronage system imparted a continuity, in the broadest sense of the term, with in Indian administration - notwithstanding the very great diversity of opinion among the men sent out under it, men as unlike in temperament and views as Sir Charles Trevelyan and Sir Alfred Lyall. In his memoirs Sir Henry Cotton, a member of a family whose name was always to be found in the lists of Proprietors and more than once in that of the

Directors, expressed something of the assured, almost patrician manner the system could generate: "It is my pride, that I am, as it were, an hereditary member of the Indian administration."¹ The system also ensured that other than the official channels of information and communication to India would be open to the Directors - often to the discomfort of the appointees of the Ministry. "We can no more help their writing to their friends than we can avoid their recording their dissents at the India House", one Minister for India was obliged to point out to a disgruntled Governor-General.²

For the Directors, then the power of patronage was the unique ingredient in their position within the government of India. The historian Sir John William Kaye, who succeeded J.S.Mill as conductor of the political correspondence at the India House, looking back at the years before the 1853 Charter, saw this very clearly. "When the patronage went to Her Majesty the Queen, or to the Queen's Minister, or was thrown into a common store to be raffled or 'competed' for by the outside world," he wrote, "all the power passed away from the managers of the great concern; and the kindly patriarchal

¹Sir H.C.Cotton, Indian and Home Memories, p.15. The author had received his appointment through his uncle, the Director John Cotton.

²E.P.42, W.Vesey Fitzgerald to Lord Ellenborough, 31 January 1843.

interest which they took in their servants passed away with it."¹

Before proceeding to describe the working of the various organs on the Company side of the home government, something may be said about the role of correspondence within the whole system of Indian government - a government which was aptly described as one of record. John Stuart Mill put it thus in 1852: "The whole Government of India is carried on in writing. All the orders given and all the acts of the executive officers, are reported in writing, and the whole of the original correspondence is sent to the Home Government; so that there is not a single act done in India, the whole of the reasons for which are not placed on record."² Mill's statement emphasises the extensiveness of the review - and makes plain the fact that correspondence was the very stuff of government as far as the home authorities, and this study, are concerned. Of the reviewing function Sir Charles Wood asserted in 1853, speaking in the Commons, "Perhaps I should not be far wrong in saying that

¹J.W.Kaye, "The House that Scott Built", Cornhill Magazine, vol. 16, 1867, pp. 361-2. The power of appointment was no less important to the Governor-General. Lord Hardinge argued that without it the head of the government of India "would become like a private gentleman, a mere cypher" P.P. 1852, vol. X, q.2365.

²P.P. 1852-53, vol. XXX, q.2916.

nine-tenths of the Indian business is to revise and to see whether the administration of India is carried out consistently with the principles laid down."¹ The other tenth of the business of the home authorities is what this thesis is really concerned with, the process of decision making. But review of such extent and intensity as Mill described becomes almost inseparable from direction, a limiting factor upon the Indian government, and a part of the circumstances under which all policy decisions were taken.

A complete record of all the departmental letters and the related minutes and resolutions of the members of Council at Calcutta, Madras and Bombay, recorded as they were disposed of, were sent home annually as their proceedings. The more current business of the three governments was dealt with in quarterly general letters, bulky assemblages covering all the variety of topics handled by a particular department. Matters of more importance and urgency, intended for the special notice of the home authorities at the earliest possible date were discussed in separate letters, usually accompanied by collections, copies of all the papers relating to the matter at issue. Ellenborough, by a despatch of February 1830,

¹Hansard 3S, CXXVII, 1140, 3 June 1853.

instituted a reform of the correspondence system aimed at bringing "the Local Governments more closely under the control of the home government, more particularly of the Board."¹ The enclosure of collection in the general letters was made mandatory, thus increasing the intensity of the home government's review, and the Indian authorities were also urged as far as possible to treat of subjects in separate letters rather than in general ones. The effect of these changes was to increase the number of separate letters and the speed with which business could be transacted at home.² The increase of territory and the use of steam communications by way of the Red Sea also contributed to the double process.³ Individual communications from India increased from 602 in 1830 to 2,445 in 1852, while outward despatches to the three Presidencies rose from 617 in 1830 to 909 by 1849.⁴ It remains to see how the India

¹Philips, p.267.

²The use of separate letters did, however, mean considerably more work had to be performed in India. See P.P. 1852, vol. X, qq. 853-4, testimony of H.T.Prinsep.

³In the late 1820s the voyage to or from India round the Cape by sailing ship took from four to five months - see Philips, p.264 - but with the establishment of a regular steam communication by the Red Sea important despatches could travel between London and Calcutta in thirty-five days. P.P. 1852, vol. X, q.2441-2.

⁴P.P. 1852, vol. X, q.520.

House was organised to cope with this growing flow of correspondence and the task of review.

At their first meeting after the 'general election' in April the Court chose by ballot¹ from among their number the Chairman and Deputy Chairman for the coming year. As it was customary to choose as Chairman the person who had been Deputy Chairman the previous year, the election was in practice for a new Deputy. Such was the burden of the work involved that Directors not infrequently declined to accept the responsibility from their fellows; notwithstanding the double share of patronage which attached to the office. The 'Chairs' were required to attend daily at the India House, and once a week they met with the President of the Board to discuss the main lines of policy and any pressing business. On the part of the other Directors daily attendance was not required. On Court days, Wednesdays that is, attendance averaged more than twenty, while on other days upwards of eight Directors were generally to be found at the India House looking over the correspondence.² The

¹The secret ballot was first dropped in favour of the open vote, and then was subsequently reinstated in our period. See P.P.1852, vol. X, qq. 1830 and 1832.

²Ibid., qq. 17-19, and L/A.G. Range 26 (1), vol. 20.

amount of work put in by individual Directors was to a large extent optional and this explains in part the varying weight enjoyed by the various members of the Court.

One reason why the office of the Chairman was so onerous and important was that it was he who initiated action on the incoming correspondence. It is most important to realise that the ordinary correspondence with Asia and elsewhere did not originate with the Directors as a body. It was the Chairman who gave the instructions, generally verbal, to the appropriate officer of the India House staff for the preparation of a draft despatch.¹ The prepared despatch, together with the often very voluminous background material of the Collections, was then sent to the Board as a Previous Communication, or P-C, and was only submitted to one of the Committees of the Court upon its return, altered or unaltered, from the Board. The Chairman was in the position therefore of being able to form his opinions and line of action upon a knowledge both of the general feeling of the Court and the views prevailing at the Board of Control. The influence of the Court upon

¹The misleading statement that the Court originated the correspondence is frequently made by officers of the Company's home establishment and is quoted in the Report of 1832, see P.P. 1852, vol. X, qq. 20-21, 106; P.P. 1852-53, vol. XXX, q.191 and P.P.1831-32, vol. VIII, p.12 of the Report. It is possible to view these statements as 'persuasive definitions' of the Court's role, part of the continuing debate on the constitution of the Government of India.

policy was hence indirect in the first instance, dependent upon the discretion enjoyed by the Chairman and his inclination to frame despatches in consonance with the known views of his fellow Directors. The Court's powers of initiation ought therefore to be seen as largely passive and residual, operating through the Chairman upon those issues, admittedly a majority, in which the Board did not wish to press a particular line of policy.

Upon the Chairman's sense of timing, with respect to the climate of opinion in the Court, depended very greatly the successful introduction of potentially controversial despatches. Likewise in the avoidance of unnecessary friction between the Board and the Court, the Chairman's role was crucial. It was thus stated of the Chairs that they would not lightly "send up a despatch which they know is contrary to the President's opinion" - unless some great principle was at stake and they were "anxious to have a contest with the Board in order to place on record an important difference of opinion."¹ In the view of Hobhouse, President of the Board, the Chairmen were ideally the managers of the Court, and in this vein he wrote complainingly to Carnac, an ex-Chairman, "I regret the loss of Sir James Lushington very much. You and he used to

¹P.P.1852-53, vol. XXX, q. 3038.

keep the Court in decent order."¹ Vesey Fitzgerald, another President, a little later would write equally despondently to his chief that he might not find the next Chairman "so disposed to assist in all our views."²

As the originators of action upon incoming letters and as the personal links between the Court and the Minister, the Chairmen had a central place in the machinery of the home government. The whole body of the Court of Directors was involved, however, in the general task of reviewing all incoming and outgoing correspondence.³ for which purpose the Court formed itself into a series of committees. Prior to 1834, when there were commercial as well as administrative matters to be dealt with, the committees were ranked in order of importance and staffed on the basis of directoral seniority. The most senior of these committees, that of Correspondence, was responsible for the bulk of the correspondence with India and was consequently much overburdened. With the reorganisation of the committee system consequent upon the cessation of the Company's commercial activities, a more balanced and efficient distribution of work achieved, one which "rendered the personal participation of the whole of the 24 Directors in the general business of India

¹Home Misc. 839, p.150, Hobhouse to Sir J.R.Carnac, 15 June 1839.

²Add.Mss. 40462, ff. 177-8, Fitzgerald to Sir Robert Peel, 30 March 1842.

³Other than that handled by the Secret Committee. See p. 64 seq. below
Despatches came home in duplicate. One copy was sent to the Board,

much more complete than it was before."¹ Three committees, the Finance and Home, the Revenue, Judicial and Legislative, and the Political and Military were constituted to review² the correspondence in their respective departments,³ both that with India and with individuals and authorities in Britain. The Directors were assigned to the Committees in what amounted to a random order,⁴ but a rule providing for mutual exchange between members meant that those conversant with particular types of business, normally found their way to the appropriate committee. Thus Neil Benjamin Edmonstone, who had been Political Secretary to the Government of India, was always to be found on the P & M Committee, while John Petty Muspratt, a banker, was invariably a member of the F & H Committee. The Chairmen were ex-officio members of all three committees.

and the other was laid on the Court's table, abstracts of the contents of the despatches were sent to the Chairman and to the Committee having the superintendence of the department correspondence to which the despatch related.

¹P.P.1852-53, vol. XXX, q.3008. Testimony of J.S.Mill.

²The committees' function was review not origination. The Director H. St. George Tucker, was one of the strongest advocates of the Court's autonomy, memorialised the Court in 1833 that each committee should "prepare and sign its own despatches to India", but his plan was rejected. See J.W.Kaye (ed.), Memorials of Indian Government, p.27.

³The R, J & L Committee also handled the Public or Miscellaneous, the Ecclesiastical and the Marine correspondence. After 1837 the Marine correspondence was transferred to the F & H Committee, which from 1849 handled all railway questions. List of Establishments, pp. 83-5, 89 and 225.

⁴P.P. 1852-53, vol. XXX, q. 242.

The reorganisation of the committee system in 1834 had not been accompanied by any corresponding change in the elaborate process by which the letters to India were sifted prior to their despatch.¹ As before, the process began with the preparation of draft replies to incoming Indian correspondence on the Chairman's instruction. When this original draft or P-C furnished by the Chairman had returned from the Board it was submitted to the appropriate committee. It then lay upon the table for about a week, during which time individual members perused it at their leisure. Thereafter the draft was brought before the whole committee to be altered or amended as it saw fit. The draft was then submitted to the full Court and was dealt with the next Court day, that is on the next Wednesday. The Court as a body might still alter, reject or accept the draft, every Director having a right to express his opinion on it and to record his dissent from the decision of the majority. After running this gauntlet the draft was sent again to the Board. If approved, the draft was returned, whereupon it was signed by at least thirteen of the Directors and despatched at once to India. If the Board had not accepted the Court's draft in toto it was once again submitted to the Committee upon whose report the full Court would decide to sign and despatch it, or to remonstrate with the Board. If they chose the latter course the draft went back to Cannon Row where the Board made a final decision on the issue.

Behind the Court of Directors and their Committees stood the permanent staff of the India House. They were in fact, if not in name, civil servants, being known in that administratively less formal period which preceded the Northcote - Trevelyan Report as the home establishment. In 1839 over two hundred clerical and other staff were employed at the India House, at an annual cost in salaries of over £75,000.¹ The clerical staff was a markedly professional body, nominated with care and well paid. Indeed, the Company deservedly had the reputation of looking after its employees well, and an established clerk, as of 1831, could expect to earn some £400 a year at a time when his counterpart in commerce or government service would have been happy to have achieved half that salary.² The rewards offered to the highest officials at the India House - £2,410 for the Secretary, £2,000 a year for the Examiner, and £1,810 a year for the Military Secretary³ - more than put them on a par with the most senior civil servants at Whitehall.

¹P.P.1839, vol. XXXIX, paper 342, no. 4. This number included messengers plying the corridors of the India House and the roads to Whitehall, doormen, charladies and a housekeeper. With the other establishments at Haileybury, Addiscombe and the recruiting depots and other individuals such as the standing counsel and the Company physician the total number of employees of the Company in Britain in 1839 amounted to 482 at a charge of £104,545. These salaries were entirely paid from the Indian revenues after 1833.

²See W.J.Reader, Professional Men, p.92.

³See List of Establishments, Index to Personnel, James Cosmo Melvill, Secretary from 1837 onwards, received an additional £200 a year for services rendered during the Charter renewal.

Even the Company's critics acknowledged the general excellence of the staff, "extremely intelligent and able advisors of the Court", Ellenborough called them in 1852,¹ and their quality was eloquently testified to when, upon their merger with the staff at the Board in 1858, practically all the senior secretarial posts were assigned to Company men. The experience of these men was one of the unique contributions made by the Company to the home government and was a source of authority to the Court of Directors in their dialogue with the Board of Control.

The reduction of staff and the consolidation of departments consequent on the cessation of trade² and Ellenborough's reform of the correspondence system left the conduct of the secretarial work at the India House substantially in the hands of three officers: those of the Secretary, the Examiner of Indian Correspondence and the Military Secretary, who between them handled the correspondence with India.³ In 1846 a fourth office, that of the Statistical Reporter, was constituted under Edward Thornton⁴ who had formerly

¹P.P. 1852, vol. X, q.2346.

²The reduction on the commercial side was estimated to save £51,163 per annum and a further £44,277 was reduced in related, mainly Secretarial, offices. List of Establishments, pp. 4 & 6.

³There was also a separate department under the Inspector of Military Stores concerned with the provision and examination of supplies sent to India.

⁴Thornton succeeded Peter Auber as the Company's own historian. His six volumes History of the British Empire in India, published 1841-44, which was undertaken with the encouragement of the Secretary, J.C.Melvill, sets out in its last two volumes what may be called the India House view of events in the period, up to 1844.

carried on the work in the Secretary's office. The growing volume of statistical work which led to this change was largely due to the same cause which had occasioned, in 1833, the setting up of a separate statistical office at the Board of Trade under G.R. Porter; as Woodward notes, after the reform of 1832 "parliament set about collecting information on a scale hitherto unknown".¹ In 1853 the Director, James Weir Hogg, was able to tell the Commons that under the current Charter the Company had submitted material to Parliament which filled fifty-three folio volumes.²

The Secretary's office as it emerged from the reorganisations was the largest of the three offices. In 1839 it employed eighty-five persons inclusive of extra clerks, writers and messengers, and it incurred a charge for salaries of £40,523 while the Examiners office had some forty-three persons employed at a charge of £18,407 and the Military Secretary's twenty-two at £9,524. The Secretary's office consisted of six departments each headed by an assistant: minuting and correspondence; accounts; pay; audit; will and administration; and from 1837, marine. In addition to digesting the enormous amount of financial material from India the office carried into effect the Company's financial operations at home including transactions with the Bank of England. As the complement to the

¹L. Woodward, The Age of Reform, p.93.

²Hansard, 3S, CXXVII, 1244, 6 June 1853.

Finance and Home Committee the office conducted the financial correspondence with India and subsequently the marine and railway correspondence as well. Moreover all incoming correspondence from India and elsewhere came first to the Secretary's office where it was copied for distribution to the appropriate department of correspondence and committee of the Court.

In 1836 the offices of the Financial Secretary and the Secretary were consolidated in the interests of 'economy and efficiency', the administrative watchwords of the day. James Cosmo Melvill who until this time had been Financial Secretary assumed the post of Secretary in the combined offices upon Peter Auber's signifying that he wished to retire. It was the Secretaries, Auber and Melvill, who being possessed of an unrivalled knowledge of the Company's internal affairs, represented it before the Select Committees of 1832 and 1852.¹ As the representative officer of the Company the Secretary was a man of great importance to a variety of persons interested in India: abolitionists of slavery, those interested in cotton, in railways for India, or shipbuilders such as R. Napier, to whom Melvill introduced Samuel Cunard in the 1830s.²

¹In 1852 Melvill also gave testimony on the Indian Navy and defended the financial system of India against the criticisms of a former Company servant, Sir Charles Trevelyan, by then Permanent Secretary to the Treasury.

²See J.H. Bell, British Folks and British India Fifty Years Ago, ch. XV, "The Melvill Dynasty", and J. Shields, Clyde Built, p.45.

Melvill's services were given recognition in 1853 when he was knighted, in 1858 he was made Government Director of the Indian railways.

In contrast with the Secretary, who was a regular Pooh-Bah, the Examiner of Indian correspondence was primarily responsible for only a single function. In his office the greater part of the correspondence with India was drafted. This included not only that reviewed by the Revenue, Judicial and Legislative Committee but the correspondence from the Political Committee also. The duties of the Examiner himself were, of course, mainly supervisory and the actual conduct of the correspondence lay with one of his assistants or a correspondence clerk.¹ However, as the list of despatches prepared by J.S.Mill² as head of the Political department shows, the

¹P.P. 1852, vol. X, q.35. Melvill states that there were three assistants and two correspondence clerks employed in each separate department of correspondence. The three most important of these were the revenue, the judicial and legislative, and the political. The conduct of the public correspondence, a rather miscellaneous heading, was decidedly a post of less prestige, and the ecclesiastical correspondence was more of a sub-division of the public than a separate entity. Throughout the nineteenth century, however, the framework was constantly undergoing change. From 1833 onwards, owing to changes effected in the process of law-making by the Charter Act, the legislative correspondence hitherto sent out in the judicial department, was placed under a separate heading, although it continued to be conducted in the same department of correspondence within the Examiner's office.

²See Home Misc. 832(a).

permanent officials, the Examiner included, might at any time be called upon to draft a despatch in any department of correspondence.

In the earlier years of the century, when the old Committee of Correspondence was very seriously overladen with work, much of the work of preparing the despatches setting out the home government's orders and policy decisions had had to be delegated to the Examiner and his assistants, who thus came to exercise a great deal of influence. Such was the demand in this office for men of real intellectual and literary ability that the Court of 1819 took the unprecedented step of selecting men from outside the India House to fill the highest posts under the Examiner. The men appointed were the historian and philosopher James Mill, the novelist Thomas Love Peacock, and Edward Strachey, a retired Indian judge of an already distinguished family. As is well known Mill, placed in charge of the revenue correspondence, and Strachey, who conducted the judicial correspondence, found in their respective departments singular scope, Mill especially, for the application of their Utilitarian views during a particularly formative period of Indian administration.¹

It so happened, however, that the influence of these men came to an end almost at the same time as the post-Charter reform of the Company administration was effected. Strachey died in 1832

¹See E. Stokes, The English Utilitarians and India, p.47, et seq.

and Mill in 1836, and neither David Hill, late chief secretary of the Government of Madras, who was brought in to fill Strachey's post, nor Peacock, who succeeded to the Examinership left vacant by Mill's death, shared his predecessor's set of beliefs. When Hill came before the Select Committee of 1832, where he was described as a witness of great weight, he spoke quite critically of those efforts to codify the law which owed so much to Bentham's inspiration.¹ As for Peacock, any reading of the dinner conversations in his Crotchet Castle suffices to illustrate his sanguine, undoctrinaire approach. Moreover, it is clear that the new men did not enjoy the freedom and scope of their predecessors. Peacock's main interests lay in the relatively circumscribed fields of steam navigation and a related opposition to Russian expansion, but even here, once the Court had become firmly decided upon the issues, "Mr. Peacock, whose advice is usually taken on steam arrangements", could originate nothing.² With John Stuart Mill who had had the conduct of the Political correspondence since shortly

¹See P.P. 1852-53, vol. XXXI, qq. 2168-90.

²Home Misc., 838, p. 300, J.C. Hobhouse to Auckland, 9 May 1838 and see C. Van Doren, The Life of Thomas Love Peacock, p. 221.

after his appointment in 1823, there was an apparent lack of disposition, as well as of freedom, to exercise that practical influence upon his department which his father had wielded. Nor is there any evidence that either F.W. Prideaux, who from 1843 onward conducted the Revenue correspondence, or the succession of men who had charge of the Public department after J.J.Harcourt's death in 1836, played any dominant role in the formation of policy. This dwindling of the autonomous influence of the Examiner and his assistants after 1833 must be set against the background of the increased effectiveness of the Court as a body in the review and hence in the formulation of correspondence, and of the increased exercise of the Board of Control's powers. The net result was to approximate the permanent officials to the status and function of extremely able advisors to the Court. The memorandum prepared by J.S.Mill in 1858 on the Improvement in the Administration of India During the Last Thirty Years may be seen as a retrospect of the effectiveness of the refashioned structure and of the consensus of opinions at the India House which embraced both the permanent staff and the Court of Directors.

The office of the Military Secretary handled only one branch of the correspondence and the degree of supervision exercised by this officer was accordingly great; on virtually every draft despatch prepared in this office we find the initials of the Secretary himself. Because of the specific nature of this correspondence, which contrasted

with the general review more often found in the other departments, and because of its urgency, we find answers to despatches from India going out with "marvellous promptitude", frequently by return of post.¹ Colonel Salmond, the brother-in-law of David Scott, one of the foremost Directors of the earlier part of the century, headed this department until his retirement in 1837. He was succeeded by Philip Melvill, a brother of James Cosmo. When called upon to give an opinion on the existent complex arrangements for the management of the Company's military forces in India - their division into three commands, the Presidency armies of Bengal, Madras and Bombay, and the presence of both King's and Company's troops in India - both Military Secretaries showed themselves thoroughly conservative. Colonel Salmond told the Select Committee of 1832 that the proposal to transfer the Company's armies to the Crown "appears to be an experiment at once hazardous and gratuitous,"² while in 1852, despite the radical transformation in other branches of the administration, notably the judicial, Melvill was able to tell the Select Committee of that year that the constitution of the service had remained in essential unchanged despite numerous improvements of detail.³

¹P.P. 1852, vol. X, qq. 160 and 162.

²P.P. 1831-32, vol. XIII, p. xxxvi of the Report.

³P.P. 1852-53, vol. XXXI, q. 126.

After this survey of the Company's share in the home administration it is necessary now to consider that of Government and its instrument, the Board of Control. The Board of Control was housed in a handsome if modest brick and stone Georgian structure on Cannon Row just off Parliament Street, Whitehall. Despite the very great changes that were occurring in Indian administration at this time neither the Board's statutory authority nor its organisation were much changed by the Charter Act of 1833. Its powers of superintendence, direction, and control, plenary from their inception under Pitt's India Act of 1784, needed little alteration.¹ The sum allotted from the revenues of India to meet the Board's expenses remained at £26,000 per annum and its establishment was likewise unaltered. The salary of the President of the Board having been reduced in 1831 from £5,000 a year to £3,500 had already paid its due to Parliamentary demands for retrenchment. A second Parliamentary Secretary was however added, enjoying a salary of £1,500 a year, and the two puisne commissionerships were abolished.² This change was a response to the greater involvement of Parliament in

¹ See 24 Geo. III c.25, ss. 1-17.

² 3 & 4 William IV c 85, s.23.

Indian affairs and to the greater role of party in Parliament;¹ the Secretaries were frequently called upon to support the President in defence of policy. "With George Thompson and Hume in the House" Lord John Russell observed to Hobhouse "we shall require ability in the Secretaries".² This new arrangement had the added virtue of underlining the fact that the statutory term "Board of Commissioners" was in fact a misnomer. Almost from its foundation the Board had been a Ministry, the President of the Board the Cabinet Minister for India.

The President and his two Parliamentary Secretaries were served by a permanent staff, but because its functions were essentially subsequent and corrective the numbers at Cannon Row were only a fraction of those employed at the India House - still only thirty-four all told in 1852.³ Fewer in number, the Board's staff was also slighter in reputation, for though it achieved a high level of competence, it lacked literary worthies comparable in stature to those found in Leadenhall Street. The general business of the Board was divided among six departments, each under its senior clerk with his assistant and one or more junior clerks, thus mirroring the division of correspondence at the India House. When a P-C with its collection arrived at the Board it was therefore referred at once to

¹ The Commissioners had not always retired upon a change of Ministry. See P.P. 1831-32, IX, pp. 284-6.

² Home Misc., 845, p. 310, 16 August 1847.

³ P.P. 1852, vol. X, Appendix, p. 344.

⁴ Namely the Finance and Accounts; the Revenue; the Judicial and Legislative; the Public, Ecclesiastical and Marine; the Political; the Military.

the appropriate clerk who made himself familiar with its contents, offered his comments on the draft in the form of marginal notes or a memorandum, and then passed them on to the Parliamentary Secretary who supervised the department. After the latter had offered his observations or alterations to the draft it went up to the President, with whom the final sanctioning, or rejection, of the draft lay. The Minister was thus at the top of a pyramid of control whose foundations extended beyond Cannon Row to Leadenhall. This was a fact which Hobhouse was at pains to impress upon an irate appointee in India, "I may as well add that you ought to be aware that when you say hard things about the Court's despatches you make in fact an attack on your humble servant at the India Board for all the letters to India are carefully looked over, and I believe fairly reviewed by myself, nor can a line go to your Government without my full sanction and approval."¹

Even a numerical inspection shows that the Board, in this period, was intensifying its control over the formulation of correspondence. Thus though the number of despatches to India was growing, the number of previous communications between the Chairmen and the President of the Board about these despatches was growing still more

¹Home Misc. 859, p.94, J.C.Hobhouse to J.E.D Bethune, Law Member of the Governor General's Council.

rapidly.¹ Moreover, whereas in the years 1814-1831 only about one despatch in twelve was altered by the Board, in twenty years time the figure had risen to nearly one in four.² Admittedly many alterations were of detail rather than of substance, so that an unqualified comparison might be misleading. But the increase does support the picture, which a reading of the general correspondence between the Board and the Court also indicates, of a great increase in the amount and depth of the Board's intervention. Moreover, the President enjoyed much more than a mere power of review. Through his weekly conversation with the Chairs the President was a party to the initiation of those despatches which he regarded as being of particular importance, alterations by the Board to the P-C's could then amount to a virtual rewriting of a despatch, while in the event of these powers proving inadequate the President could simply order the Court to frame a despatch on any subject whatsoever, and if the Court failed to do so within fourteen days, he could have it composed at the Board.³ The Minister was therefore perfectly justified in assuring the Commons that he was fully responsible "to this House for any acts in the administration of India."⁴

¹P.P. 1852, vol. X, q.520.

²P.P. 1831-32, vol. IX, q.1257; P.P. 1852, vol. X, q.520; P.P. 1852-53, vol. XXX, q.269.

³3 & 4 William IV c 85, S.31.

⁴Hansard, 3S, CXXVI, 1138. Sir Charles Wood, 3 June 1853.

Of one department at the Board the President could offer that assurance without qualification: the Secret department. This was always under the immediate direction of the President alone and its business was not necessarily shared by him with the Parliamentary Secretaries.¹ For the most part the despatches that went out via the Secret Committee were drafted by the Minister himself and it was the senior clerk upon whom the President leaned most heavily for their preparation. Indeed, the duties of this office became so onerous during the first Afghan war that the President had to ask for a reorganisation to relieve the senior clerk of some of the burden. As Hobhouse explained, "Mr. Cabel has had to read every Cabinet despatch from India, from Persia, from Turkish Arabia and from Egypt and a great many from Constantinople ... and this he has had to do without the check of the parliamentary secretaries, who in general do not even see the secret despatches."²

The business handled by the Secret department came to it from the Secret Committee of the Court, defined by Pitt's India Act as the channel through which should be transmitted to Asia that correspondence "concerning the levying of war or making of peace, or

¹P.P. 1852, vol. X, qq. 587-8, Waterfield's testimony. Hobhouse did not regularly reveal the Secret Correspondence to the Parliamentary Secretaries, whilst his Conservative opposite numbers did. On occasion despatches went without even the customary meeting of the Secret Committee.

²Home Misc. 839, p.76, Hobhouse to Chancellor of the Exchequer.

treating or negotiating with any of the native princes or states in India" which in the opinion of the Board should require secrecy.¹ The Committee, which was composed of the two Chairmen and the senior Director, was not empowered under the Act to refuse to send or to delay despatches, even when they disagreed with their contents. No provision was made even for the recording of any dissent. The one power which the Committee possessed was to refuse to send a despatch which did not rightly come under section fifteen of the Act.² Despite their clearly subordinate position the Committee had from 1784 been taken into the confidence of successive Ministers and had exercised considerable influence over the determination of Indian foreign policy, even to the originating of a number of despatches, right down to 1828 when Lord Ellenborough became President of the Board. By adhering strictly to the letter of the law Ellenborough became "the first President to succeed in denying the Directors ~~of~~ a voice in the determination of external policy."³ Lord Ellenborough's masterful approach to whatever post he occupied is well known. But the assumption of absolute authority by the President of the Board

¹24 George III, c.25, s 15. The Charter Act of 1833, section 36, added the words "or with any other Princes or States", thus giving statutory cognizance to the established practice.

²See P.P. 1852, vol. X, q. 135.

³C.H.Philips, The East India Company, 1784-1834, p.275, et passim.

was not wholly a matter of personality. With the rise of the Russian threat in the late 1820s the external policy of the Government of India had become increasingly the concern of the Ministry as a whole. As the Duke of Wellington pointed out over the affairs of Sind in 1843: "Some twenty years ago such a subject as this would have been merely local. The government would have had no occasion to take cognizance of it... But at this moment in particular everything that occurs in that part of the world is of importance and becomes an Imperial question,"¹ From the advent of Lord Auckland every Governor General was to be involved in wars on India's frontiers or beyond, and against that background neither the Court of Directors as a whole nor even the Secret Committee could be allowed an independent voice on India's foreign policy. Both Whigs and Conservatives regularly resorted to the Secret Committee to ensure Ministerial control. The extent of the divorce of the Court of Directors from the formulation and conduct of external policies and an assessment of its results is recorded in the dissent of H. Willock in 1847 from a despatch on Sind. "It is a remarkable fact," he wrote, "that three great occurrences in recent times, all most injuriously affecting the character and resources of the Indian Empire, vizt. the seizure of Aden, the expedition into Afghanistan,

¹ Add. Mss. 40463, f.281, Wellington to Ellenborough, 4 February 1843.

the annexation of Scinde were projected and undertaken without the concurrence of the East India Company."¹

The trend towards reserving foreign policy issues to the Ministry did not, however, deny all influence to the Secret Committee: it scarcely could while personal contact with the President continued. It is possible to detect in the private correspondence of various Presidents the effect which the Committee's opinions had on them.² A Committee in which the President reposed particular confidence might even share in the elaboration of policy. This was particularly the case with steam navigation which formed such a vital part of the policy pursued in the Middle East from 1835 to 1841, where the Committee in fact originated many of the despatches on a subject which was not strictly within its purview. When the Committee was in agreement with the Board that a subject should be handled by its agency the wording of the Act appears to have been no obstacle.³ The Committee could contribute to policy, too, through the Reports it furnished on a multitude of subjects at the request of the Board or

¹B/244, p.535, Dissent of 9 June 1847 from draft despatch respecting Sind.

²Regular minutes of the Committee's meetings were not kept. The most illuminating evidence of what passed is in the President's private correspondence with the Chairmen, occasional letters to the Secret Committee, and with other Ministers.

³See P.P. 1852, vol. X, q.523, T.N.Waterfield, senior clerk of the Secret Department at the Board.

the Foreign Office. Yet, notwithstanding the variety of ways in which the members of the Committee and the staff at the India House might make their contribution, it is not possible to refute John Cam Hobhouse's characteristically assertive note in his diary: "The Secret Committee c'est moi".¹

The same pressure to assert Ministerial authority which was evident from the eighteen-thirties onward in the President's handling of the Secret Committee may be observed also in the pattern of appointments in India. The Directors through the mechanism of the patronage system supplied the great body of the Indian administration with their nominees. But notwithstanding the statutory formula which laid down that the posts of Governor and Governor General "shall be filled up by the Court of Directors subject to the approbation of His Majesty, to be signified under his royal sign manual, counter-signed by the said President of the Board of Commissioners,"² it was His Majesty's Government which in practice

¹ Add. Mss. 53, 753, f. 70, 21 December 1848. In his Memorandum on the Secret Department dated 15 December 1870 Sir John William Kaye made the same point: "the President of the Board was in reality the Secret Committee". Quoted in M.I. Moir's exhaustive Study of the History and Organisation of the Political and Secret Departments of the East India Company, the Board of Control, and the India Office, 1784-1919, p.95.

² 3 & 4 William IV c. 85, ss. 58 and 42.

was primarily responsible for making these appointments. Those who directed the government in India were overwhelmingly the appointees of the Ministry of the day. Though the Company's old Secretary Peter Auber was still prepared to claim a more extensive role for the Company in 1832,¹ the function of the Directors became essentially that of a check upon the Ministry's field of choice.

After the Melbourne Government in 1835 had revoked Lord Heytesbury's appointment to the Governor-Generalcy made by the previous Ministry, Lord John Russell thought it a sufficient defence of the Whigs' action to ask, "Was it not notorious that, for years past, the Governors General had always been chosen on account of his political sentiments?"² By the 1850s this was clearly understood, and the Director John Shepherd speaking before the Select Committee of 1852 expressed the Court's understanding of their limited role in the appointment process by saying, "Our desire generally is, in the case of the Governor General or Governor, that we should get the best man of the particular party who may be in power, we are not so unreasonable as to propose as Governor General or Governor a man in opposition."³ The limitations imposed upon the Court's

¹P.P. 1831-32, vol. IX, qq. 74-8 and 1276.

²Hansard, 3S, XXIX, p.65, House of Commons, 29 June 1835.

³P.P. 1852, vol. X, q.733.

initiative by party politics could not have been more clearly recognised.

That was not the end of the matter, however, for what was notable was the extent to which those who governed India were identified with the Ministries of their day. Auckland, Ellenborough and Hardinge had each been a member of the Cabinet which appointed him, Heytesbury would subsequently serve in Peel's second Ministry, after the split in the Conservative party in 1846, was as accurate a reflection of the state of British party politics as the other four had been. This intimate connection between the Governor General and the Ministry of the day grew with the growing sensitivity of the home government to events in India and their possible political repercussions. The formal channels of correspondence with the Government of India were no longer adequate for the purpose; they were too slow, too formal, too public.¹ It was through private correspondence between the President and other Ministers that the essential political issues would be discussed and resolved. From this exchange of private letters emerge the major concerns of the Ministry with India and their reconciliation with the realities of

¹Even the Secret Correspondence, almost wholly written by the President, might prove inappropriate because it had to go through departmental channels: instead he might "propose that I should write ... a secret and confidential letter from myself." See Add. Mss. 40465, f.294, Lord Ripon to Sir R. Peel, 30 April 1844.

Indian administration. For the Governor General the correspondence sets out the political bounds within which he must conduct his Indian administration or risk losing the support of the Ministry which appointed him. How important this private correspondence was, how much it formed a departure from the practice of the previous twenty years, can almost be measured quantitatively, for the volume of letters passing between the Ministry and Auckland, Ellenborough, Hardinge or Dalhousie seems immense alongside the comparative trickle in the days of Amherst and Bentinck.¹ Thus while the official correspondence formed the basis for the superintendence and control which the Home Government exercised over the Indian government, the clearest account of the background to the decisions on Indian policy taken in India and England, the "tenth of the Indian business" with which this study is concerned, is provided by the private letters of the President of the Board, of his Cabinet colleagues, of the Governor General and also of the Chairmen of the Court.

¹Bentinck, Governor General 1828 to 1835, exchanged 17 and 18 letters respectively with the Presidents Ellenborough and Charles Grant. Amherst's correspondence was similarly modest. Auckland's letters to the President of the Board alone cover 1,050 folio pages; and in relation to their period of office his successors wrote even more copiously. Significantly Bentinck's correspondence with the Directors and certain of the India House officials, whom he knew personally, was much more voluminous than that with the Ministers. This type of correspondence in our period amounts to little more than a courtesy towards the Court of Directors, negligible in its effect on policy.

The new emphasis upon links with the Ministry is perhaps even more marked in the appointment of Governors to the Presidencies of Madras and Bombay. The second and third decades of the nineteenth century had seen men of outstanding ability and experience appointed from among the Company's servants to fill these posts; in our period Ministerial appointees, sent out from England, nearly always occupy them. Admittedly the pioneering period in the development of the Indian empire which had thrown up - and required - men like Munro, Elphinstone or Malcolm had passed, but the essential factor behind the change seems to have been the Ministry's new emphasis upon having its own nominees at these strategic posts.¹ The only curb upon this tendency was the weakness of an administration. A precariously placed Ministry might feel compelled to defer to the Court's wishes and appoint a Company Servant: "It was very much my wish to have brought you forward for the Government of Bombay, as you know," Hobhouse told his friend E.S. Stanley, "but it was considered inexpedient at head quarters, that any such move should be made while the elections were going on. When they were over, and we were so completely beaten, it would have been quite out of the question to attempt to procure the place for a decided political friend."²

¹ It is significant that when an outstanding servant of the Company, Charles Metcalfe, did receive a governorship in the post-1833 period, it was the new Presidency of Agra.

² Home Misc. 840, 183, Hobhouse to Stanley, 29 July 1841.

The growing involvement of the Ministry in Indian administration is apparent in the legislative sphere too, in the provision under the Charter Act of 1833 for the appointment of a Law Member to the Governor General's Council and of a Law Commission. The appointment of the Law Member, who came invariably to head the Law Commission, was in practice decided principally by the Prime Minister and the President of the Board. Over appointments to the Supreme Court also the Ministry exercised a dominant influence and the selection of the head of the military forces in India in the first instance a matter of discussion between the Prime Minister and the Commander in Chief in England. Changes of Ministry in Britain would of course frequently leave the appointees of the previous Ministry in office yet there was nevertheless a strong relationship between the occupants of the highest administrative, legislative, judicial and military posts in India and the Ministry at home.

It is apparent from the preceding discussion that the Court of Directors, and the Company itself, did act as a check upon the Minister's exercise of his powers within the system of Indian government. The Court participated in, numerically at least, the greater part of the decisions made by the Home Government and the very structure of the Company had its effect on the nature of the decisions made. It is equally apparent however that the President of the Board possessed

overwhelming power to enforce his views when he chose to use it. Moreover the power of initiating Indian policy, in the real as distinguished from the formal sense, lay with the Minister. The sense of the position emerges from the remark of one Director, made in 1838, "although the late Charter-Act, has stripped the Court of Directors of substantial power, we are still left in a position to exert some moral influence with effect ... Our vis inertiae is sometimes sufficient to arrest their proceedings",¹ a somewhat pessimistic view provoked by proceedings connected with the Afghan War. A final assessment of the Court's role as a check within the system of Indian government must now await the completion of this study. Something more, however, remains to be said of the extension of the use of the Board's powers and of how this was related to the increasing impact British politics were having on Indian affairs.

After 1832 the eighteenth century tradition of an administration, the King's Government, largely independent of Parliament, finally succumbed to the doctrine of Ministerial responsibility enforced by a reformed House of Commons seeking to establish a control over the Executive. Increasingly administrative structures were judged by the degree of their amenability to the control of the

¹ Kaye, Tucker, p.484.

House.¹ It became one of the great criticisms of the "dual" form of the Home Government of India, therefore, that it obscured responsibility for policy and hence limited Parliament's control.² Indeed the great extension of the Board's activity from the 1820s onward was intimately connected with the Ministry's need to take account of the actual or threatened intervention of Parliament in an ever widening range of Indian subjects. The increasing number of Accounts and Papers, of Select Committee Reports, submitted to Parliament on Indian finances, on her Judicial system and Law Reform, on her foreign policy, on railways, steamships, cotton cultivation are in themselves an index of this increasing intervention in Indian affairs. Indeed one of the points in favour of the dual system in Ministerial thinking was precisely that it did act as a check upon a too forceful intervention by Parliament.³

¹ See F.M.G. Willson, "Ministries and Boards, Some Aspects of Administrative Development Since 1832", Public Administration, 33, Spring 1955, p.49 et seq. The author traces the way in which this new orthodoxy came by the 1850s to undermine the old pattern of Boards "in favour of Ministries which were more amenable to the control of the House of Commons".

² See esp. John Bright's speech in the House of Commons, 3 April 1851. Hansard, 3S, CXV, 1851.

³ See Moore, pp. 27-30.

The apprehension that an Indian subject might be made an issue of in Parliament was always present in ministerial minds and the greatest practitioner of the Parliamentary art at the time, Sir Robert Peel, was forced to make this point to a wayward Governor General in 1843, as a consequence of the operations in Sind: "The rapid communication between India and this country is making, and will continue to make, a most important political change in the treatment of Indian questions in Parliament. It will provoke constant discussion by the press and that discussion will increase the tendencies in Parliament to make India and Indian subjects the arena for political debate ... Whether it be for good or for evil we must look forward to the gradual establishment of a system which will subject every act of the Indian government to Parliamentary scrutiny."¹

The increasing force which Parliamentary intervention could exert upon the determination of Indian policy, a factor which lay behind the decrease in the Court's independence, forms a constantly occurring theme in the correspondence between the Court and the Board, between the President and the Chairmen, the Governor General or other Ministers, "The notice given in the House of Commons ... for the appointment of a Select Committee to 'consider the state of the Salt Monopoly in India' will not be opposed by this Board", a Parliamentary

¹Add.Mss. 40471, f.318, Peel to Ellenborough, 6 June 1843.

Secretary wrote to the Company's Secretary.¹ Even upon questions where the Court and the Board, and the Governor General as well, were agreed that intervention was undesirable, Parliament could decide the issue. Over a question involving the connection of the Government of India with the religious practices of Indians the Chairman might well protest to the President that he did "not see how it would be possible to the Court to issue any such instructions as that you have now suggested".² Nevertheless, as Parliament insisted, they at length were issued, for as the President explained to the Governor General, "the course taken at home was quite unavoidable ... We could not help ourselves."³

The qualities and the defects of the Directors and the permanent staff at the India House had little to do with the Board's increasing tempo of activity and control, fundamentally this was a consequence of a change in the structure of British politics. The Court, of course, was by no means ready immediately to acknowledge the full implications of this change. As late as 1849 the Court could be found remonstrating with the Board that in the negotiations with the Indian railway companies "The responsibility was

¹Home Misc., 779, p.1, R. Gordon to J.C.Melvill, 22 February 1836.

²Home Misc., 836, pp. 15, 20 April 1838.

³Home Misc., 838, p.493, President to the Governor General, 1 November 1838.

joint", to which the President replied, crushingly, this was not so because any action of the Court's "involved no real punishment or penalty such as addresses from the Houses of Parliament might at any time inflict upon the President of the India Board".¹ Not only was the Court's independence limited by Parliament, however, but so too was the President's. "I cannot help letting my colleagues know something about a matter which may probably cause a squabble in Parliament",² wrote a President in 1850 to the Governor General. Ultimately Parliament formed the check on all action within the system of Indian Government. Describing the system of checks which existed upon executive action in India J.S. Mill pointed out that over the deposition of the Raja of Satara by the Bombay Government, the consent of the Government at Calcutta was first necessary. Next, the act might be disallowed by the joint action of the Home authorities, and that finally "it was open to any member of either House of Parliament to bring forth a motion, which if it had been effectual might have led to a Parliamentary inquiry, or eventually a reversal of the act".³

Examples of Parliamentary intervention in Indian affairs and the response of the Minister and of the Court to them will occur

¹Home Misc., 851, p.48, Hobhouse to the Chairmen, 29 October 1849.

²Home Misc., 859, p.243, 23 January 1850.

³P.P.1852-53, XXX, q.2920.

throughout this study but the question presents itself now of whether British politics had not a more profound influence on the formation of Indian policy than the sporadic, though increasingly important, intervention of the Commons.

The word period has been defined as a span of time with its own inner structure which holds together and determines the relation of the parts to the whole.¹ That which gives unity to the political events in Britain, and to our interpretation of the events with which this thesis concerns itself, lies in the redefinition of the party system, which had its origin in the occurrences centering around the reform of Parliament in 1832. Following this "Great Reform" two strongly organized, well disciplined parties all but divided the House of Commons between them for over a decade. When in 1846 one of these, the Conservatives, split over the issue of the Corn Laws the parties for a time became weaker and more numerous but there was little sign of a return to the "non-Party Member". Statistical study of voting in the House of Commons during this time has established that on by far the larger number of issues, "which includes questions as various as Free Trade and most financial matters, religious matters, flogging in the army, education and sanitary reform,

¹See Wilhelm Dilthey, Meaning in History, edited by H.P. Rickman, p.155.

'party affiliation was closely related to votes'".¹

The reform of Parliament in 1832 had made it "inevitable that party should replace the Crown as the centre of working Government", that the possession of an organized majority in the Commons would become the prerequisite for the formation and maintenance of a Ministry. Party government in the sense of alternating Whig and Conservative Ministries became a feature of British politics after a period of almost fifty years, during which time one party had monopolized power. Because party affiliation and voting represented such great differences of principle and approach to the problems of government it followed that these alternations would provide great contrasts in the administration of Great Britain, and as this study will show, in that of the Indian empire.

The Whigs during whose administration this study opens, with whose Act for the better government of India the second chapter concerns itself, took office in 1830 as the Government of remedial reform. They, and their Radical and Irish allies, were the grouping expressive of deep discontent with the existing constitution of the British Parliament, and of the local governments, of the church and of the army, of the laws and the administration of justice, in

¹See D.E.D.Beales, "Parliamentary Parties and the Independant Member, 1810-1860" in Ideas and Institutions of Victorian England, p.7. Beals makes the point that W.O.Aydelotte's statistical studies of voting patterns in the House of Commons at this time have forced N. Gash to revise his earlier assessment of the role of party during this period.

short, of much or most of the constitution of contemporary Britain. The strength of the Whigs lay in their ability to place themselves at the head of the movement for reform, a capacity which stemmed in part from their long tradition of opposition to the power of the King, the Church and the Lords. This capacity was fundamentally a political rather than an administrative one. As the movement for constitutional reform weakened in the 1830s so too did the position of the Whigs in the Commons, while at the same time their very serious shortcomings in the field of administration, particularly over finance, became increasingly evident.

The Conservatives on the other hand, the party of Tories and others who reorganized themselves around Sir Robert Peel in the 1830s, were most closely associated with the established institutions of church and monarchy. While under Peel's leadership they came to accept the great reforms that their opponents had passed, they presented themselves as a party of a different kind of reform from that of the Whigs and their Radical allies. By seeking "to remove every abuse that can impair the efficiency" of these establishments Peel sought to "extend the sphere" of their usefulness, that is to conserve them. By providing strong government, rather than by skillful manoeuvring to meet the changing mood of Parliament, Peel sought to provide an alternative to the Whig-Radical alliance. The object of his government was to be the "maintenance of peace ... the support of public credit - the enforcement of strict

economy - and the just and impartial consideration of what is due to all interests."¹ Above all, this meant the competent management of the nation's finances and a policy of peace abroad which was its necessary corollary.

The degree to which these differing approaches to government on the part of successive Whig and Conservative Ministries were reflected in the administration of India is for this study the major way of assessing the impact of British politics on Indian administration; even the activities of individual interests in Parliament are related to it. The increasing association of the Ministry with Indian affairs has been referred to over the operation of the Secret Committee, the appointments to the highest posts in the Indian administration, and over the subsequent Ministerial correspondence with these appointees. The importance of the President of the Board's ever-increasing exercise of his powers in this connection has also been raised. What then was the extent of the intervention by successive Ministries in the foreign and financial affairs of the Government of India? Were Whig and Conservative approaches to law reform in Britain reflected in Indian administration? Did, for example, the political association of the Whigs with Benthamite Radicals have any effect on the progress of law reform in India? In general, how

¹See N. Gash, The Age of Peel, p.78, "The Tamworth Manifesto".

much did the conduct of Whig or Conservative Presidents of the Board, and the Ministry's appointees in India, incorporate the principles of their respective parties into Indian administration? On the other hand what was the role of the individual as such during these years? In attempting to answer these and related questions this thesis will be making an assessment of the role of British politics in Indian affairs.

Chapter Two

THE CHARTER ACT OF 1833
AS A PARTY POLITICAL ACT

Chapter Two

This chapter deals with the formulation and passage of the Charter Act of 1833, the most comprehensive piece of legislation on India effected by the British Parliament in the nineteenth century, involving as it did both commercial and constitutional questions of the first magnitude. By its nature a discussion of how the act emerged entails more than a description of its content and it will be the major object of this chapter to give some idea of the respective contributions of the Government of India, of the British Parliament, of the Court, the Board, the Ministry and the Opposition to this great act of Indian policy.

For many years prior to 1833 the trade of the East India Company had been carried on largely in response to the financial needs of the Indian administration. Under the terms of the Charter Act of 1813 it had been statutorily provided that the sum issued annually by the government in India for commercial investment should be equal in size to the payments made at home on behalf of the territorial administration;¹ the magnitude

¹ 53 Geo. III c.155, s.56. The home payments at this time were principally on account of the home establishments, of military charges for Company's troops including retiring pay, pensions

of the Company's commercial operations was thus determined by the size of these "home payments". Indeed, in the case of the Indian, as opposed to the lucrative Canton trade, the Company's operations which finally became unprofitable in the face of private competition were carried on only to provide remittances, other than bullion, to meet these charges. The Act of 1813 had also provided that the profit which remained after the Proprietors' dividend had been met, the "surplus commercial profit", should be applied to the Indian and Home Bond Debts.¹ At the same time the Indian Government enjoyed a rate of exchange considerably above that of the open market for its rupees in the settlement of the account between the commercial and territorial branches of the Company's administration. In all, the Company calculated, the public debt of Indian administration would have been some seventeen millions more without the assistance it received from commerce.²

Trade carried on under such terms frequently deranged

etc., as well as pay office demands for King's troops serving in India, for civil service pensions, for supplies sent out and for miscellaneous expenses: Penang, Singapore, St. Helena and the Tanjore Commission... See P.P. 1831-32, VIII, 37-38 of the Report.

¹53 Geo. III c.155, s.57.

²Negotiation Papers, p.6, Minute of the Secret Committee of Correspondence, 28 December 1832.

the markets; the disastrous failure of the agency houses at Calcutta in the early 1830s was due in part to the Company's operations.¹ Its Indian operations no less than its monopoly of the tea trade at Canton then were the cause of continuing antagonism between the Company and the private traders. Opinion in the out-ports and the manufacturing cities of Britain had taken on the tone of conviction by the time the issue of the renewal of the Charter was raised. "There can need no proof at this day", dogmatized the Manchester Chamber of Commerce, that when Governments act as traders their operations "will of necessity" be detrimental to trade. The Glasgow Chamber was willing "on general principles" to subscribe to this view.² The large scale agitation organized by these interests against the Company's China monopoly was really a matter of leaving "nothing to chance".³ It was generally conceded by all parties that the Company would lose its exclusive rights at Canton and had begun modifying its shipping arrangements prior even to

¹P.P.1831-32, X, 535 of the Appendix. This involved the Company's sudden withdrawal from purchasing indigo, a commodity in which the houses were heavily involved.

²Ibid., 520.

³See Philips, pp. 288-9 for the efforts of the outports especially, and D. Eyles, The Abolition of the East India Company's Monopoly, 1833, Edin. Ph.D., 1956, pp. 144-54.

the commencement of the Charter negotiations.¹

Discussion of the Charter had commenced under the Wellington administration, 1827-30. Though Wellington had originally favoured the idea of continuing the monopoly to the Company on administrative grounds the majority of his Cabinet were increasingly opposed.² Thus, before his Ministry left office, Wellington and Lord Ellenborough, the President of the Board of Control, had broached the subject of the monopoly's termination with the chairmen of the East India Company.³ Having seen that the condition for abandoning the monopoly was the achievement of a surplus in the Indian revenues Ellenborough had taken measures to this end and felt that had the Tories continued in office "by 1834 we should have been financially independent".⁴

The great change that was to be effected with respect to the Company's commerce was to be accompanied by reforms in the administration hardly less sweeping. Extensive discussions were taking place in India on the reform of the

¹ L/F/I/53, Report of the Home and Finance Committee, 7 May 1834, No. 56.

² Wellington felt the Company required "the million they get by the China trade to enable them to carry on the Government of India", see Ellenborough, Political Diary, I, 184-5, II, 64.

³ Negotiation Papers (N.P.), p.iii, Minute of a Conference at Apsley House, 12 October 1830.

⁴ E.P.21/2, Ellenborough to Lord Clare, Governor of Bombay, 26 November 1830.

subordinate administration ultimately involving recommendations for the reconstruction of the Supreme Government itself.

In 1827 the government had been instructed to reduce expenditure to the level of 1823-24, the fiscal year prior to Amherst's Burmese war.¹ Bentinck, assuming office in July 1828 accordingly set up a Civil Finance Committee to review the whole governmental structure and to suggest "such alterations as may appear calculated to secure to the utmost practicable extent, unity, efficiency and economy in the general management of public affairs".² The recommendations of the Committee, consistently directed towards a high degree of centralization, formed the focus for subsequent discussion by the governor-general and his council. Such reforms as lay within Bentinck's competence were carried rapidly forward. And on the major constitutional issues - the redefinition of the powers and constitution of the supreme government at Calcutta and of its relationship with the subordinate governments and with the royal courts, and the unification of the military commands -

¹E/4/720, p.966, Bengal Territorial Finance Department, 12 December 1827.

²P.P.1831-32, VIII, App. III, 113, Govt. of Bengal to Madras and Bombay, 10 October 1828.

the recommendations of the Indian authorities formed the basis for the government's plan of reform.¹ This the President of the Board of Control recognised, writing to Bentinck, "The papers written by the members of the Civil Finance Committee and the Judges of the Supreme Court and the members of your Council, and your own Minutes, have furnished invaluable materials of which we have availed ourselves".² There was, however, no direct intervention by the Indian authorities in the preparation of the new Charter and the only extended discussion upon it between the President and the Governor-General took place after the passage of the Act.³ Thus both in administration as well as in commerce large changes were anticipated when Wellington's Ministry fell and Lord Grey assumed the Government in November 1830. The Charter Act of 1833 was to be one of a

¹ See P.P.1833, XXV, paper 67, Correspondence on the Constitution of the Indian Governments.

² Bentinck Papers, Charles Grant to Bentinck, 25 Dec. 1833, p.2.

³ Grant's letter was to a considerable extent an apologia for the degree to which the Act differed from what Grant knew to be the Governor-General's wishes. Bentinck, a Canningite, was cordial in his relations with the ministers, but not close. P. Spear's characterization of Bentinck as "an advanced Whig" - O.H.I., 586 - anticipates matters.

series of the great Whig measures passed during the period of the most intense reforming activity in Britain during the nineteenth century. The changes effected in the conditions of Indian government were to be the most extensive since the days of Pitt and Cornwallis. Half a century after an India Bill had occasioned the fall of Fox and the triumph of Pitt, Indian administration was once more the subject of a major piece of legislation. Both the Acts of 1784 and 1833 came at critical junctures in British politics. The interrelationship between Britain's development and that of empire in India during these fifty years lies beyond the scope of our story but the Great Reform of 1832 which gave political recognition to the economic and social consequences of the Industrial revolution had an immediate and profound effect on the Charter Act of 1833, brought forth as it was by a Reform Ministry and passed by a Reformed Parliament.

Ellenborough had hoped that Auckland, a Whig of long standing, would succeed him at the Board - "he would have carried on my plans firmly and cautiously". Instead Charles Grant, whom he regarded as "a man of theory" rather than a man of business, became President, with Sir James Macintosh, the radical champion of law reform, Sir James Macdonald and Charles's brother Robert as Commissioners. Sensing the radical shift their appointment implied, Ellenborough

commented "I dread the dangerous follies they will commit".¹

Ellenborough's apprehensions were not without foundation. Grant's accession to the Whig side was not the first indication of his sensitivity to the contemporary currents of reform. Vice President of the Board of Trade in Lord Liverpool's government, and President during Canning's brief premiership, Charles Grant took a stand upon the Corn Laws in Wellington's cabinet, threatening resignation if they were not reformed, and finally went out, with the rest of the Canningites, over the issue of electoral reform. His inclination towards free trade and electoral reform was supplemented by a strong evangelical interest in India. As Princess Lieven observed, Grant was the only 'saint' in Grey's cabinet. Like his father, the distinguished Company servant and Director and member of the Clapham sect, Charles junior was to use his official position to further the cause of bringing Christianity to

¹Ellenborough Papers (E.P.) 21/2, Ellenborough to Clare, 26 November 1830. Sir James Macintosh, 1765-1832, Onetime recorder to the Supreme Court at Bombay and later Professor of Law at Haileybury. Another member of the opposition for many years, his appointment now to the Board did not entirely fulfill his expectations. Sir James Macdonald, M.P. for Calne in Wiltshire, like Macintosh, died in 1832.

the people of India.¹ In the three Charter debates in which Grant took part he was always conspicuous for the warm humanity with which he spoke on India. In the last of these, that of 1853, after he had retired from public life, Grant, now Lord Glenelg, told the Upper House that "it was not only the duty but the mission of this country to India to communicate to the natives of India the best education which it was in their power to give them."²

The composition of the Board which supported Grant was remarkable even for such a time. In order to cope with the task in hand - a complete review of the Company's affairs prior to legislation - an unusual number of Commissioners were attached to the Board. Besides Macintosh and Macdonald, both of whom died in 1832, Charles' beloved brother Robert was also immediately appointed. Like Charles, Robert had been called to the bar at Lincoln's Inn after coming down from Cambridge, but he had subsequently held positions of

¹The influential pamphlet by Charles Grant senior, "Observations on the State of Society among the Asiatic Subjects of Great Britain, particularly with respect to morals; and of the means of improving it", an evangelical prescription for India was included, undoubtedly at his son's wish, as an appendix to the authoritative Report of the Select Committee of 1832 (qv), see P.P.1831-32, VIII, App. I.

²Hansard, 3S, CXXV, 11 March 1853.

a legal nature, and it was this experience which particularly marked his contributions to the framing of the Charter.¹ Another appointment of great consequence was that of Holt Mackenzie, for many years Secretary in the Territorial Department to the Government at Calcutta. Recommended to Grant by Bentinck as "most humane and liberal",² his was a mind particularly "sensitive to the reforming current of Utilitarianism". In Stokes' words Mackenzie's memorandum on the land revenue system of the Conquered and Ceded Provinces was "the seed plot of the revenue systems adopted throughout northern and central India". His role in the Civil Finance Committee, of which he proved to be the most radical member, was no less fertile.³ Two of the most drastic changes suggested by that body, the abolition of the councils of the subordinate governments and the introduction of competition in the selection of civil servants

¹Bentinck MSS, Grant to Bentinck, 25 Dec. 1833, p.8. Charles was to relate to Bentinck how "Having been with me the main concocter of the new Act, having thus with me created the place", Robert had declined the Law Membership. Robert Grant was conspicuous in Parliament as the champion of the movement to end Jewish civil disabilities. He is remembered elsewhere as the author of two hymns in the English hymnal.

²Howick MSS, Grant to Grey, 29 June 1832.

³Stokes, The English Utilitarians and India, pp. 94 and 162-3, and see I. Husain, Land Revenue Policy in North India, pp. 122-32 for a view of Mackenzie's work as essential pragmatic.

through the "four fold system", are attributed to him.¹

Generously acknowledging the contribution made by his brother and by Holt Mackenzie, Charles Grant declared to Bentinck, "Without these two men I could have done nothing."²

Also prominent among this inner circle of Ministerial appointees was Thomas Hyde Villiers, brother of the future Lord Clarendon, who received the Secretaryship in May 1831. Villiers had already achieved some prominence in the free trade movement and from the moment he assumed his duties at the Board he showed an indefatigable interest in the progress of British trade in the East. When, in January of 1832, a Select Committee was appointed to inquire into the Company's affairs and into "the state of trade between Great Britain, the East Indies and China" Villiers was placed at its head. The organization and management of this committee, "whose labours formed the basis for subsequent legislation"³ it was claimed, remains a monument to this man whose untimely

¹Hobhouse told Auckland, "The four fold system is a child of Holt Mackenzie's", Home Misc., 837, 120. Hobhouse also made the marginal comment, "The Councils should have been abolished according to Mr. Holt Mackenzie's plan". Add MSS, 36468, f.446v. The fact that Macaulay's biographer, his nephew G.O.Trevelyan, could credit him with "imparting into the Act" the competitive principle underlines the tenuous nature of such attributions.

²Bentinck MSS, Grant to Bentinck, 25 Dec. 1833, p. 4

³Sir Denis Le Marchant, Memoir of Viscount Althorp, p.467, There is also evidence for the direct participation of another member of the Cabinet, Lord Brougham, in the framing of the Charter. The Calcutta Review, XXX, 1847, VII, 433 credits him with the authorship of the Law Commission.

death in December 1832 robbed his party of a promising young politician. After the successful issue of the struggle for the Reform Bill had released him, Thomas Babington Macaulay became a Commissioner and upon Villiers' death he was appointed Secretary.

In Villiers, Holt Mackenzie, Macaulay and Robert Grant, the President was supported by men of outstanding ability. In their selection, with the exception of Macaulay, a Ministerial favourite, Grant had a major voice.¹ All men of "enlightened and liberal views" by their own admission there was, not surprisingly, a large measure of mutual sympathy between them. While it is true that Grant lacked the dominating personality that Ellenborough, for one, possessed, it does not follow that the Charter was primarily the work of his assistants.² Certain of its provisions have been attributed to one or the other of these men, sometimes the same provision to two individuals, but such attributions

"the Committees on Indian affairs ... were organized by Mr. Hyde Villiers, with the assistance of Lord Althorp".

¹ See Howick MSS, Grant to Lord Grey, 29 June 1832 and passim.

² Philips, p.294, speaks of the dominant part played by Macaulay in moulding the Bill and more recently Eric Stokes, pp. 179-80, has said of the Charter, "Officially its author was Charles Grant.. but undoubtedly his assistants at the Board had a more powerful influence in its moulding".

do not constitute the basis for a general assumption.

Leaving aside Grant's claim of his and his brother's authorship it is apparent that even before Holt Mackenzie and Macaulay came to the Board in 1832 the preliminary moves, particularly the Committee's investigations, were indicative of the lines along which the Charter would finally emerge.

Though the views of the Ministry on the continuance of the Company's commercial privileges should hardly have been in doubt Grant nevertheless refrained from declaring them to the Chairmen.¹ An explicit statement on the shape of the arrangements was to await the completion of the largest investigation yet undertaken by Parliament into Indian affairs.² The Select Committee at whose head Hyde Villiers was placed in January 1832 was divided into six subcommittees which enquired into every aspect of the Company's affairs.³ Their Report was to form the authoritative reference for the Cabinet

¹ N.P., ix-x, Memorandum of a Conversation between Charles Grant and the Chairmen of the East India Company, 7 July 1831.

² Select Committees of both Houses had been appointed as early as February 1830 but the fall of the Wellington Ministry had cut short their work. The Select Committee of the Commons appointed in February 1831 was likewise disrupted by the dissolution of Parliament in July 1831.

³ The Public, Finance and Trade, Revenue, Judicial, Military and the Political found in P.P. 1831-32, IX to XIV.

with respect to the Charter.¹ The very volume of the investigations, "8149 pages of close print, which, with the matter already given to Parliament, made an aggregate of between thirteen and fourteen thousand closely printed pages of large quarto"² and the size and the composition of the Committee³ seemed to give substance to the Ministry's claim that the Charter had been framed in response to the voice of the nation.

If the Committee was to express the voice of the nation pains were taken to see that that voice was a well modulated one. The sittings were held at the Board and members of that body generally sat in charge of the six sub-committees into which the Select Committee was divided, Hyde Villiers conducting the one on Trade and Finance. The witnesses called and the topics on which they were examined exhibited a strongly predetermined character, an attribute not uncommon to Select

¹The Report is found in P.P. 1831-32, VIII, 9-84. See the Cabinet Minute, 6, 7 & 8 esp. In the House of Lords Ripon claimed on 5 July 1833 that "there was no part of the plan which had not received the deliberate sanction of a committee, and that not a single principle had been adopted that had not the support of some adequate authority". Hansard, 3S, XIX, 193.

²P. Auber, The Rise of British Power in India, II, p. 679.

³See P.P. 1831-32, VIII, 2. There were forty eight members originally and twenty four more were subsequently added. Hardly a quarter of the members could be associated with the Opposition and even less with support for the Company's privileges. The industrial and commercial interests were strongly represented.

Committees.¹ Of particular significance for the future shape of the Indian administration was the fact that the two witnesses most extensively examined, James Mill, the Benthamite Examiner of Correspondence at the India House,² and Holt Meckenzie, who was soon to assume his Commissioner-ship at the Board, were the strongest advocates of comprehensive reform.

The Report, though it appears to give both the pro and the con of the great questions of Indian policy which it examines, emerges as a powerful advocate of change, a compendium of the improving ideas of administrators and statesmen, of evangelicals, merchants and industrialists, an exemplification of the extent to which their views could be represented as running together at this time. It expresses forcefully the extent of the impetus to change, not only in the

¹Lucy Brown's remarks on the Select Committee on Import Duties: "The membership of the Committee bore every mark of its propagandist origin" and on the Select Committee on Rates of Postage: "witnesses were not so much examined as invited to give prepared propaganda lectures", are not inapplicable to this Committee. The Board of Trade and the Free Trade Movement 1830-42, pp. 71 and 73. Lord Ellenborough, for one, did not regard its findings as infallible. Hansard, 3S, XIX, 186-7, House of Lords, 5 July 1833.

²It appears that James Mill attempted to exert a private initiative too. In 1831 he addressed the Lord Chancellor, writing "India, its judiciary or rather its government altogether, is a subject about which I should wish to talk to you for a month. Then I am sure I can talk with advantage because I can save you an infinite amount of trouble in getting at the evidence on which you should build". Brougham Papers, Mill to Lord Brougham, 15 Sept. 1831.

commercial but in the territorial administration, which came from Britain. Throughout the Report two great themes, in theory perhaps contradictory but complementary in practice, are constantly recurring: that of a free trade in goods and ideas and that of the intervention of a strong centralized government. Thus on the one hand we have, at the conclusion of the section on land revenue: "Nothing can be better calculated to give an impulse to the improvement of the Land, when cultivation is backward and the means of improvement scanty, than the opening of foreign markets to its produce" and a related stress on the need to abolish or modify the salt, opium and tobacco monopolies and such burdens on internal commerce as transit and town duties, the wheel tax, sayer and abkari. On religious matters "perfect toleration, on the part of the Government, to the labours of the missionaries, is not less strongly recommended". Exclusion of the natives from the civil service is not warranted, "while it is contended that their admission into the higher offices would have a beneficial effect".¹ And it is implied that the restrictions on the press will be removed.¹ On the other hand "It has been said, that one of the most important considerations

¹P.P. 1831-32, VIII, 68, 22, 21 & 26.

for Parliament is the improvement of the Government of India in India itself: with this in view... has been proposed... the establishment of one Supreme Government for all of India without the charge of any local administration". The chief obstacle to the settlement of Europeans and the accompanying benefits of increased intercourse "appears to be considered to arise out of the defective state of the Judicial establishments, civil and criminal". And on relations with the native states, if the subsidiary system of alliances was not to be abandoned "it is clearly our duty to render it as beneficial, or rather as little detrimental as possible, to the interests of the inhabitants of the Allied States".¹

The complete reorganization of the fiscal system apart from land revenue² is contemplated by the Report, the reform of the constitution of the Indian governments and much of the administration as well, as redefinition of the relationship with the native states and much else. Not all the aspirations voiced in the Report would find expression in the Charter,

¹Ibid., 19, 26 & 83. Upon the admittance of Europeans it might be observed that the one Indian who testified, Ram Mohun Roy, who of course partook of the current reforming spirit and who contrived to appear in England at this time, was in favour of permitting the entrance, under suitable restraints, of "educated persons of character and capital" as a stimulus to Indian development. Ibid., Appendix, 341 seq.

²It was pointedly observed however that "the Permanent Settlement of Lord Cornwallis has failed in its professed object", ibid., 64.

nor indeed would they all find realization in the succeeding twenty years of Indian administration. But the fact that the Act did fit comfortably into the context of the Report is something of a tribute to the Reform Ministry's skill in tailoring administrative reform to the political realities of the hour.

On 10 December 1832 Charles Grant, in the presence of Lord Grey, read to the Chairmen of the Company a "Paper of Hints",¹ an outline of the proposed changes in the Company's commerce and in the constitution of the home government. The Ministry's plan bore the major characteristics of the other Whig reforms of the period. The proposals were undoubtedly of "such a scope and description as to satisfy all reasonable demands and to remove at once, and for ever, all rational grounds for complaint"² on the part of the Reform Parliament. They promised a speedy settlement of outstanding issues and hence their removal from the Parliamentary arena at the earliest possible date. Any powers independently exercised by the Court of Directors were to be removed so as to

¹N.P., 3-4, Memorandum of Paper of Hints read to J.G. Ravenshaw and C. Marjoribanks, 10 December 1832.

²Grey upon the requisite characteristics of the Reform Bill, see N. Gash, Politics in the Age of Peel, p.10.

strengthen the Minister's hand in the face of a Commons bent on asserting its own control over the executive.

The Company was to be maintained as the administrative organ. Its commercial monopoly was of course to cease while the thorny question of the future of the Company's trade was solved at a stroke by abolishing it. To avoid a lengthy adjudication between the claims of the territorial and commercial branches of the administration upon the Company's assets these were to be transferred in their entirety to the Crown for the service of the Government of India. The Proprietor's dividend was in return to be charged upon the Indian revenues for a fixed number of years.

In the Cabinet's view "This plan appears fair to all parties - With respect to England it involves no expense. With respect to India it is more than negative. It removes the pressure of a burthen which it might be difficult to find another opportunity of so conveniently discharging, by obtaining for India all the Company's commercial property in India and in England... It secures to the Proprietors a dividend, which under no circumstances could they expect to increase... It identifies their interests with those of India".¹ Questions of

¹ MSS Eur.1, Report of the Committee of Cabinet on the Charter, pp. 14-15. The political expediency was borne out by the fact that the only question asked in Commons by the leader of the Opposition, whose authority on financial questions

fairness apart, if we accept as given that the Grey Ministry needed to find a swift solution to the problem of the Company's trade in order to avoid prolonged political controversy then the form the solution took, with its interlocking provisions, and this includes the maintaining of the Company in an administrative capacity, follows logically.

The "Paper of Hints" made it quite clear that with the cessation of the Company's trading activities the Board would thenceforth enjoy a complete control over "establishment and expenditure". It also proposed to give the Board the power of veto over the Court's right to recall Governors and Military Commanders, and potentially most revolutionary, had the change been instituted, it provided that the Board should have the power to frame a despatch themselves, should the Court refuse to do so, and this without any power of appeal to a court of law. It was apparent that while the Ministry was unwilling to assume the government of India outright they wished to leave no independent powers in the Court's hands. No less threateningly, the chairmen must have felt, the future number of Directors was left open and included in the proposals was a plan for introducing the competitive principal into the selection of civil servants by providing

was already being deferred to by the Government, was about the security for the Proprietors' dividend - "Is this country to be answerable for the payment?". Hansard, 3S, XVIII, 722, Sir R. Peel, House of Commons, 13 June 1853.

that there should always be more candidates than service appointments to fill.

Despite its tentative title the provisions of the Paper were to be embodied in the Bill with relatively little change of substance. The Company was ill placed to defend itself from such attacks upon its privileges, and the Directors' morale was low.¹ In the new Parliament there were fewer members associated with its interests than ever before.² The Company had been labelled a monopoly, and as the Tory Quarterly Review observed, that was a "bad name".³ Though it was fully entitled to continue as a trading body after surrendering its commercial privileges such a course was never seriously entertained. Even that most outspoken defender of the Company's autonomy, Henry St. George Tucker conceded that against the private traders it could not "venture to engage in a race of competition",⁴ while J.G. Ravenshaw, one of the Chairmen, writing to his friend Bentinck, showed himself even more alarmed by the free trade lobby: "In fact the

¹ J.G. Ravenshaw wrote to Bentinck, 16 Oct. 1832, "Another son for Bengal early next year He is the last I shall ever send to India. Comparatively speaking the service is as good as over." Bentinck Mss.

² Philips, pp. 277 and 285-6. In 1806 there had been 106 M.P.s with Indian interests, in 1832 there were 22.

³ Vol. 50, p.232.

⁴ N.P., 126, Dissent of 30 March 1833.

Government is not strong enough to do what is right against popular clamour". "As Proprietors and Directors give us our capital which we have", he added resignedly, "and we shall have no reason to complain."¹

Responsibility to the Proprietors for the security of their capital meant that any course other than acceptance of the Ministers' proposals was at best a manoeuvre and Grant took an early opportunity of pointing out that if a prompt acceptance was not forthcoming he would propose an alternative plan for the future government of India.² The central question of the negotiations was therefore the size of the fund for the guarantee of the dividend and eventual redemption of the stock. When Grant expressed a willingness to recommend to Parliament a dividend of 10 and a half per cent. and that the fund should be increased to £2,000,000 from the £1,200,000 originally stipulated the great majority of the Directors expressed their willingness to recommend the Ministerial plan to the Proprietors.³

¹Bentinck Mss., 10 Dec. 1843. He seems to have misconceived the Ministry's attitude as between Company and free traders.

²N.P., 53, Grant to Chairmen, 12 Feb. 1833.

³N.P., 191-2, Chairmen to Grant, 29 May 1833 and 202-03, Committee of the whole Court, Minute and Resolution of 7 June, 1833. Grant had also assented to the Court's request that sufficient funds should be set aside to compensate their servants in the commercial line, N.P., 187-9, Grant to Chairmen, 27 May 1833.

Despite its weak bargaining position the Court nevertheless attempted to extract certain conditions under which they might continue "efficiently to administer the Government."¹ Firstly they asked for and received Grant's assurance that he would recommend to Parliament that the Charter should be reviewed for a defined period.² Then they requested that measures affecting expenditure should continue to originate with the Court. The Directors were deeply anxious about the viability of the Indian finances, deprived under the new arrangements of support from commercial profits. Their defense of the Company's China monopoly had turned mainly upon its importance to their finances.³ Unfortunately, as with the Court's claim that to open the China trade might jeopardize "our amicable intercourse with China",⁴ such arguments were more appropriate to the mercantilist thinking of the previous

¹N.P., 183-4, Chairmen to Charles Grant, 3 May 1833.

²N.P., 187, Grant to Chairmen, 27 May 1833.

³N.P., 6, Secret Committee of Correspondence, 2 Jan. 1833.
See also ii and iv.

⁴N.P., 7, Secret Committee of Correspondence, 2 Jan. 1833.
Grant replied that recent events in Canton left "some room to distrust the sufficiency of the Company's guardianship". Some officer or officers would have to be stationed at Canton "by appointment of the Crown" to supervise British subjects there. Three were so appointed - but war broke out nonetheless in 1839. Ibid., 24-5, Grant to Chairmen, 12 Feb. 1833.

century than to the laissez faire doctrines to which the Whigs in the 1830s were increasingly subscribing. Grant answered the Court in the coin of contemporary political economy: "Once cut off the resource of the surplus profit," he said, "and the administrators of the Indian revenues will find themselves compelled to confine their expenditure within the limits of their proper income."¹ The Court, however, did not place much faith in the infallibility of this tenet; in their view the chief cause of the financial embarrassment of the Indian Government had been "the expensive wars in which we have at different times been involved."² Grant "conceded" the point by observing that expenditure would continue "as at present" to be subject to the Board's sanction.³ Retrenchment was one of the main planks in the Whig platform and it was a central concept of the Charter that Indian expenditure should be met entirely from Indian revenues, "that India shall not be a permanent burden on the finances of England." Grant chose completely to ignore the Court's objection, though its validity was to be fully demonstrated in

¹N.P. 31, Grant to Chairmen, 12 Feb. 1833.

²N.P. 66, Chairmen to Grant, 27 Feb. 1833.

³N.P. 188, Grant to Chairmen, 27 May 1833.

the next twenty years.¹ As with other Whig measures Grant was more concerned to cope with political pressures than with financial realities.

The Court had one other major request to make. Now that the Company had been divested of that commerce from which the Court had derived so large a part of its character "as a body independent of the Government", the Directors greatly feared that they might become "merely an instrument for giving effect to the views of the Indian Minister."² To maintain a degree of independence the Court now appealed for a rule of publicity to both houses of Parliament in cases where the acts of the Board might appear to them "to be unconstitutional to militate against the principals of good government, to interfere with substantial justice to our allies."³

The Court's request touched upon a crucial issue for the Ministry: how to conduct the administration in face of a Reformed Parliament bent on asserting its control over the executive. It spelled danger for any ministry with a small majority, or with a heterogeneous one such as that of 1832.

¹P.P.1852-53, XXVIII, q.8192. In the next twenty years some £30,000,000 in increased military expenditure was to be charged to the revenues of India. In only five of those years was there a surplus of revenue over expenditure. This was due overwhelmingly to the almost continuous round of wars commencing in 1838.

²N.P. 63, the Chairman to Charles Grant, 27 February 1833.

³The current struggle between Court and Board over the pecuniary claims of British subjects upon Native princes gave particular edge to this request, the Court opposing the Board's wish to throw the government of India's influence behind the creditors.

Accordingly, to the Court's repeated requests an adamant refusal was returned. H.M.'s Ministers could not but object, Grant told the Chairman, to a principle which could not fail to operate "very prejudicially to the purposes of good government."¹ Nor did subsequent petitions to both houses of Parliament bear any immediate fruit.² Parliamentary publicity of issues within the home government had therefore to await the Government of India Act of 1858 brought in by a Conservative Ministry.³ The Whigs in 1833 were not prepared to concede what would have been the most effective guarantee of the Court's independence at the price of increasing Parliament's scope for intervention.⁴

Grant had produced his "Paper of Hints", which settled the structure and powers of the Company in England in December 1832. It was not until 24 June, however, just four days before he introduced the Charter Bill in the Commons, that he sent to the Court a summary of the proposals with respect to

¹N.P. 198, Grant to the Chairman, 4 June 1833.

²N.P. 404 and 448.

³21 and 22 Vict. c 106, S.26.

⁴This unwillingness on the part of Whig statesmen to allow to the co-ordinate body a substantial measure of independence was a continuing factor in legislation on India. Over the Act of 1858 Palmerstone and Sir Charles Wood were strongly of the opinion that the Secretary of State's Council should be a clearly subordinate body. See S.N.Singh, The Council of India, 1858-1919, London Ph.D., 1955, pp. 8 and 26.

India¹ which with the relatively few amendments allowed to the Court or won by the opposition form the substance of this part of the Charter. They were then seen to be hardly less radical than the Hints: "An entire change in the frame and constitution of the Indian Government", one Director termed them.²

The main feature of the new proposals was the provision for the effective centralisation of the administration in the hands of the Supreme Government, whereby "the whole civil and military government of India" was to be vested in the Governor-General in Council.³ The legislation of the Supreme Government was to apply to "all persons, British or Native, Foreigners or others, and to all Courts of Justice" - which meant among other things that the Governor-General would be empowered

¹ N.P. 259 seq. Summary of the Provisions of the proposed Bill, contained in C. Grant's letter to the Chairman, 24 June 1833. Ellenborough was informed of this fact by the Company's Financial Secretary, E.P.28/4 f.91. His Diary entry for 18 June 1833 runs "I learn from Melvill that these changes with respect to the Government of India have not been the subject of discussion with the Court of Directors".

² N.P. 341, Tucker's Dissent of 2 July 1833.

³ The Council was to be of five members, the fifth being in effect an appointee of the Ministry. This last appointment, and the intended enlargement of the ecclesiastical establishment in India was not referred to in the summary.

"to issue laws binding, to a certain extent, upon the Supreme Courts, especially as to jurisdiction." A "more defined and efficient control" over the subordinate Governments was to be given to the Supreme Government, which henceforth would have a "precedent and preventive" authority in place of its former "subsequent and corrective" powers. No laws were to be passed, nor any expenses incurred, without the previous sanction of the Governor-General in Council. At the same time the Councils in Bombay and Madras were to be dispensed with, the clear intention being that the Supreme Council should contain a member from each of the Presidencies of Bengal, Madras and Bombay, and also from the Presidency of Agra newly to be created from the upper provinces of the old Bengal Presidency. The Governor-General himself was to remain Governor of Bengal, that is Governor of what were formerly the lower provinces, and heads of the Bengal civil and military services which, undivided, would continue to serve both the upper and lower provinces.

The ticklish question of placing the Army in India under a single Commander in Chief was left for future consideration. A Commission was to be set up, however, to enquire into the "nature administration, etc. of the existing laws, into the courts of justice, modes of judicature, and

police throughout British India" and it was to submit such alterations and propositions as would tend to establish as uniform a system of laws as was consistent with the diverse character of British India.

Meanwhile, as British subjects were now to be allowed to proceed to India without licence, to enjoy greater access to the interior, and to hold land, though limited for the present to terms of years, the interests of the natives were to be protected by subjecting Europeans to the same laws and jurisdiction, with certain exceptions, as Indians. Slavery after a specified period was to be abolished. Finally, no Native or British subject was henceforth to be excluded from holding any office within the administration merely by reason of his religion, birthplace, descent or colour. These 'proposals' then would form the major provisions of the Charter with respect to India. The few amendments won by the Court and the few more by the Opposition in Parliament will be discussed in the course of the remainder of the chapter.

When these sweeping proposals were submitted to the Court, Sir Richard Jenkins raised the objection that they were being called to deliberate upon the Ministers' plan in a

¹N.P. 353, Dissent of Richard Jenkins, 5 July 1833. Jenkins was later Tory M.P. for Shrewsbury. He was one of four new Directors with Indian experience elected between June 1832

virtually "ex post facto mode".¹ Nevertheless, the Court did proceed to obtain one truly major concession to their views on the constitution of the Indian governments. Grant agreed that the ~~existence~~ of the Councils at Madras and Bombay should be decided "by the future and deliberate decision" of both the Court and Board. He also made it clear that the provision relating to the Crown's approbation of appointments to the Supreme Council applied to the fifth or law member only - the first written mention he had made of this new post. In the same letter Grant finally laid to rest the threat of a reduction in the number of Directors.²

The modifications which the Court were able to obtain were limited and Tucker held that the Directors' objections had not gone far enough.³ Nevertheless their views were

and June 1833. The others were Cotton, Vans Agnew and W.B. Bayley, who had been a member of Bentinck's Council. Bayley in India had discussed reform plans, and while agreeing with the principle of a truly supreme Government, and of creating a fourth Presidency, he had objected to the more radical ideas of Holt Mackenzie. (See N.P. 244, Minute by Bayley, 9 Nov. 1830.

¹Ellenborough was told by the Company's Financial Secretary how little notice the Court had received - E.P. 28/4 f.91 - and he recorded in his diary, on 18 June, "I learn from Melvill that these changes with respect to the Government of India have not been the subject of discussion with the Court of Directors.

²N.P., 265, Grant to Chairman, 27 June 1833.

³See N.P., 353, Dissent of 5 July 1833. James Rivett Carnac

important as a statement, admittedly a cautious one, of what their future attitude towards the proposed changes was likely to be.

The Court of course concurred in the necessity of placing Europeans under suitable restraints now they were to be allowed an increased facility of access into the interior,¹ of subjecting them to the Company's rather than to the Supreme Courts. They expressed a guarded approval of the proposed abolition of slavery provided it could be effected "without doing violence to feelings of caste, or rights of property". They argued that the more extensive employment of Indians as "servants of the local governments is in accordance with the views which the Court have for many years expressed and acted upon", but as would appear later this interpretation was something very different from the eligibility of natives to the covenanted service which the

was ready to express his belief that under the new system the Directors would still have the power to play their part "with benefit to India". He was alone in that belief, but then he was a Whig, related to both the Palmerston and Russell families. See N.P., 402.

¹The actual state of the apprehension existing in the Court is perhaps better reflected in Tucker's letter to William Blunt, Member of the Supreme Council, written in May 1834: "What I most dread, is the unchecked resort of Europeans to India, and their location on the land. This may lead to much injustice and oppression to the natives, and to a fearful struggle at some future period; But I used my utmost efforts to no purpose, to prevent the measure. I succeeded better with the slavery question and it will be the fault of the legislative Government if any imprudent step be taken." Kaye, Tucker, pp. 470-71.

87th clause of the Charter implied. On the addition of two bishops to the establishment in India the Chairmen were willing to express themselves more forcefully, urging that the charge to the revenues of India "should be limited to what is essential for the use of the Servants of the State who are members of that Church".¹ The project for codifying the laws of a land as vast and varied as India was premature, the Court felt, they "must be permitted to doubt whether the British empire in India ... has yet reached the point at which it may be possible for its foreign rulers to accomplish that desideratum of uniformity of laws which has not yet been found attainable in our own long settled and highly civilized country."

The degree to which centralization of power in the hands of the Governor-General had been carried, the Court observed, must materially "interfere with the control now exercised by the Home Government". Henceforth the Governors of the Presidencies would be subordinate to him rather than to the authorities at home. Moreover the Court doubted whether it would always be possible to select a person fit to be entrusted with authority of such magnitude. They noted that by entrusting the details of Bengal administration to the Governor-

¹N.P., 329, Letter of 10 July 1833.

General, as an addition to his general duties of control, labour had been consolidated rather than divided. On the other hand the division of Bengal seemed likely to be productive of confusion and dissatisfaction.¹ Nor had Grant's compromise on the future of the subordinate Presidency Councils fully reassured them: they stressed that Governors appointed from England would continue to need the advice of men conversant with the workings of Indian government, and they also made the point that Councillorships formed a legitimate goal and reward for outstanding service.

The Court could not have felt otherwise, than alarmed about the threat posed to long established policies by the Bill that was now being submitted to the reformed Parliament. The exclusion of Europeans and non-intervention in the social, religious and even certain facets of the political life of Indians had been cardinal principles of policy even before the Company's assumption of empire. Similarly administrative centralization, even in the largely pragmatic manner in which it had been incorporated into the Bill was opposed to the principles of check and balance inherent in the Cornwallis system, to which in its broad outline the majority of the

¹The Directors were doubtless conscious that the division of Bengal might limit the prospects of men in what had hitherto been the premier service; they feared the expense of the Agra Presidency in any case.

Court still adhered. With respect to the Home Government they clearly felt that unitary government in India implied the same at home rather than the existant 'double government'. The Chairmen could scarcely bring themselves to accept the Ministry's plan. It would have been better, they felt, "that His Majesty's Government should have openly and avowedly assumed the direct administration of India."¹ If the Court had to, it would only be because they felt with Tucker, "if we throw up and withdraw, what will be the result? It is to be apprehended that the administration of our Eastern possessions will fall into less experienced hands...."²

In the Commons the Bill, presented on 28 June as a measure agreed between the Board and Court, experienced little opposition. "The very cause of the negligence of the reporters, and the thinness of the House, is that we framed our measure so carefully as to give little occasion for debate" observed Macaulay, the spokesman for the Bill at its second reading on 10 July.³ Macaulay himself contributed

¹N.P., 464-5, Dissent of 12 August 1833.

²N.P., 477, paper by Tucker, 12 August 1833.

³G.O.Trevelyan, The Life and Letters of Lord Macaulay, p.226.

a speech brilliant in its rhetoric - "by general agreement ... the best speech that I ever made in my life", as he recorded - or in the words of one old M.P. a consolation to the young "for never having heard Mr. Burke".¹ Indeed Macaulay, like Burke at an earlier juncture, did rise to the occasion, and venture to speak of the ultimate purposes of British rule in India, of "the destinies of our Indian empire". A towering vindication of the purposes of the Bill and of the liberal spirit in which it had been framed, the speech was unequivocally a partisan one directed in no small measure against Lord Ellenborough's attack in the Lords five days earlier.²

The ease with which the Bill passed through the Commons must also be attributed to Grant's skilful management which averted any major collision on the questions which were still outstanding. At his persuading Wm. Ewart, member for Liverpool, postponed his motion on the equalization of duties on East and West Indian produce and George Wilbraham his on the abolition of the Government of India's salt monopoly.³ The efforts of Joseph Hume and of the Director

¹Ibid., p.225.

²See *below* p. 122 *seq.*

³Hansard, 3S, XIX, 616-18 and 1075, 12 and 22 July 1833.

Robert Cutlar Fergusson on behalf of the legal community at Calcutta to avert the subordination of the Supreme Courts to the Governor-General and Council were skilfully thwarted.¹ He also ensured that neither Hume's objections on the ground of economy, nor O'Connell's on those of partiality to a particular sect, the established Church, gained sufficient support to have the clauses dealing with increases in the ecclesiastical establishment amended.² On slavery Grant was able to push through an amendment removing the deadline for its abolition in India, mainly because Thomas Powell Buxton, inheritor of Wilberforce's mantle, was ready to leave the timing to Grant, in the knowledge that he and his associates "were averse from slavery".³

If the voice of the Opposition was scarcely audible in the Commons this was not the case in the Lords where they were in the majority and where Ellenborough and Wellington

¹Hansard, 3S, XIX, 664, 15 July 1833. Fergusson was an ex-barrister of the Supreme Court at Calcutta. Though in the nature of the Company's advocate on other parts of the Bill, he here spoke contrary to the views of the Court as a whole.

²Ibid., 1033-4, 19 July 1833.

³Ibid., 799, 17 July 1833. As a Minister, however, Grant seemed rather to share the Court's view, for writing to Bentinck he declared the clause in its amended form "harmless". Bentinck Mss., 25 December 1833.

possessed the respect of the House when they spoke on Indian questions. "Some very important amendments were made there,¹ most of them being due to the efforts of Ellenborough and Wellington. They included the specific provision that the subordinate Councils should consist of three members - a move which had Lord Wellesley's support - and that the Supreme Council should consist of four and not five ordinary members. The provision that the "whole" civil and military government should reside in the Governor-General in Council was altered to read that he should have "the superintendence, direction and control of the whole". Lord Lansdowne carried an amendment to the effect that the Law Member should take part only in purely legislative deliberations, a provision which contributed much fuel for later controversy.² Provision was also made for the annual submission of Indian accounts to Parliament. These were by no means minor changes, but even so it may be argued that even more significant for the future conduct of Indian affairs was Ellenborough's comprehensive

¹See Printed Copy of the Bill with Amendments, 9 August 1833, House of Lords Record Office.

²See Hansard, 3S, XX, 445, House of Lords, 9 August 1833.

criticism of the bill, made in a speech which he considered, as Macaulay was to consider his in turn, the best of his career.¹ While there is much in Ellenborough's speech which is of an idiosyncratic nature, and none the less important for that, the basis of his attack is grounded in the attitude common to his party at this time, namely, that the Ministry, urged on by the Radicals, were tampering with the very foundation of government.

"The present" Ellenborough told the Lords, "was a crude, ill-digested plan, the offspring of unfounded theories, formed by men who knew nothing of India."² The abolition of the Councils at Madras and Bombay would eliminate the principle of responsibility and would constitute the Government of India an absolute authority, he objected. (Considering that Ellenborough had told Lord Clare in November of 1831 "If I had my way there would be no members of Council"³ his defence of them now can only be seen as emanating from a party political position rather than from personal conviction.) A new

¹E.P.28/5, Diary for 6 July 1833.

²Hansard, 3S, XIX, 192, H. of L. 5 July 1833.

³E.P.21/2, Ellenborough to Lord Clare, Governor of Bombay, 2 November 1831. There is a similar discrepancy between Ellenborough's condemnation of the influence of the Court of Directors in his speech (Hansard, 184-5), and his conduct towards them as President of the Board and more especially as Governor General.

government was to be established in India and the legislature vested in an unmanageable Council of six, the fifth member of which, a "philosopher", would be at the head of the opposition. Confusion would be carried into every department of government. Legislation, he claimed, would be better carried on by the local than the Supreme Government. The extension of this Government's legislative power, the subjection of the Supreme Courts to it, the abolition of the licensing requirement for entry of Europeans, the plan to place all persons in India under the same law, all this meant the sweeping away of every security the natives of India possessed against oppression by Europeans, Ellenborough thundered.¹

The social implications of the Bill were as alarming as the constitutional. The proposal to abolish slavery by a fixed date, Ellenborough asserted, "would lead most certainly to bloodshed in every part of India". And though the time would come when the natives of India would fill even the highest positions there, the attempt to precipitate such a state of society was self-defeating and dangerous. No man

¹Hansard, 3S, XIX, 189-90. It is surely to Ellenborough's attack on the subordination of the Supreme Courts that Macaulay is replying when he states "I could scarcely, Sir, believe my ears when I heard this part of our plan condemned in another place." It seems too that Ellenborough is the target, at least in part, for Macaulay's invective in defense of the 87th clause "At the risk of being called by that nickname which is regarded as the most opprobrious of all nicknames, by men of selfish hearts and contracted minds - at the risk of being called a philosopher", ibid., 528 & 534.

in his senses would propose to place political and military power in the hands of the natives. Ellenborough looked instead to the reduction of taxation, "which was the only way to benefit the lower classes in India, to elevate them ultimately in the scale of society".

Ellenborough's most formidable attack was mounted on the financial aspects of the Whig Ministry's plan, and his insistence on sound fiscal administration bore the hallmark of that administrative approach which Sir Robert Peel was in the process of making the cornerstone of Conservative policy. It would have formed no part of the previous Ministry's plan, he claimed, "all at once to end the trade with China". Rather, by a gradual cessation, they would have prevented loss to India's revenues by otherwise investing the Company's assets. The other changes wrought by the present plan - with its enlarged Council, Law Commission, additional bishops and the like - would also involve the Government of India in deficits and loss. In a masterly analysis of the effects of the plan on Indian finances he demonstrated that it entailed an additional annual burden of £540,000 more than what had been proposed under the previous Ministry. The day when a surplus might be achieved would thereby be postponed for four or five years if the present plan to limit Government control to general matters, leaving the details to subordinate

officers were followed; "the total ruin of their Indian finances would be the result."¹ What Ellenborough was implying in fact was that the Indian Minister must be responsible for the condition of the Indian finances, that he rejected the convenient fiction espoused by Grant, albeit in good faith, that the authorities in India would be compelled by some natural law to confine their expenses within their income. Here he had seized on the Achilles' heel of Whig reform and administration, the financial aspect.

The Edinburgh Review, the intellectual organ of the Whig party, in whose pages Macaulay's contributions were so often to be found, hailed the Charter Act finally passed on 28 August 1833 as marking "the introduction of a just and liberal policy in the East. And somewhat magniloquently it pronounced, "The rights of all our subjects in the East have been placed upon a new and secure foundation, while those of our countrymen at home have been established in all that regards either trade or settlement."² The Benthamite Westminster Review chose to publish a generally critical article on the Act, but it, too, could find "redeeming qualities

¹Hansard, 3S, XIX, 177-8 & 181-3.

²Edinburgh Review, October 1833, pp. 58, 205 & 206.

in the Ministerial measure proposed for the future government of India".¹ For the evangelicals and abolitionists, often the same people, there was likewise cause for satisfaction in the ecclesiastical and slavery clauses. Indeed there is much in the Act, and in the speeches and reports associated with it, that reflects economic liberalism, Utilitarian prescriptions for administrative and legal reform, or reforming, proselytizing Christianity. Certainly the final shape of the Indian administration far from being a uniform system appeared to the Governor General as "an apparent compromise of conflicting opinions".² Compromise there had been, indeed the word was one which Grant frequently used during the Charter negotiations and the debates in Parliament. But the compromises that were made were, ultimately, effected by the Minister for India and subject to the approval of the Ministry. The interest of the Government when acting in its own sphere, of necessity, was dominant.

Halevy has pointed out that the Whigs were no longer the defenders of the eighteenth century constitution, that to their critics in the 1830s they appeared to be ushering in a system of bureaucratic despotism.³ Enough has been said

¹Westminster Review, 1833, . 19, 144.

²Bentinck Mss, Bentinck to Tucker, 11 August 1834.

³Halevy, III, p.99.

to show the hollowness of Macaulay's claim that the Company would form an effective check against the power of the Board and it is not in terms of Whig constitutional theory, or any other, that we wish to describe the influence of the Ministry upon this Act. Rather for Lord Grey's Government this measure had to serve primarily as a practical solution to the problem of carrying on the administration of India under changed conditions both in India and at home. In this connection we are reminded of a quotation used by Norman Gash to sum up the Whigs' political approach: "They believed that Government was a practical thing, and did not exist to furnish a spectacle of uniformity, nor to comply with logic, arithmetic or the theories of visionary politicians."¹

The outstanding characteristic of the change effected in the government of India was the extent to which the administration had been centralized. As an article of faith, administrative centralism, in Halevy's phrase, was "a genuine, perhaps even the most characteristic aspect of the doctrine of the orthodox Radicals, of Bentham and his followers".² Yet the manner in which the Indian administration was further centralized was certainly not the result of a disinterested

¹N. Gash, p. 11n.

²Halevy III, pp. 99-100.

Ministerial application of this doctrine. The chief difference between the theory and the fact hinges upon the distinction between vesting power in the hands of the Supreme Government as a body and centralizing it in the hands of the Ministry's representative, the Governor General. Thus it had been the view of James Mill,¹ "the high priest of Benthamism", and the substance of the recommendations received from India, that the Supreme Government ought to be relieved from the details of local administration so as to free it for the more efficient discharge, on an all-India basis, of its executive and legislative functions. But what was in fact done was to vest the local administration of the lower provinces of Bengal in the Governor-General personally. This, as the Court rightly pointed out, was to consolidate labour "to a degree quite incompatible with efficiency".² Clearly what had been believed to be of primary importance was to ensure the personal authority of the Governor-General by giving to him the immediate direction

¹See P.P. 1831-32, IX, 342.

²N.P., 308, The Chairmen to Charles Grant, 2 July 1833. Bentinck in his minute on the "India Bill" took even stronger exception to this arrangement. In his opinion it was "wholly impossible for the Governor General in Council to discharge the double duties of the Local Government... and of the Supreme", see Bengal Secret Consultations, vol. 379.

and the patronage of the Bengal Presidency".¹

The precedence given to the centralization of power over the abstract principle of administrative centralization is apparent too in the legislative arrangements. Notwithstanding the weighty opinion expressed in India and at home in favour of a larger body² the membership of the Legislative Council was confined to that of the Executive Council with the addition of one Law member. Over legislation itself the Governor General was given the power of veto should he be absent from his Council and, owing to the frequency of wars in our period, this amounted to a great deal of the time, as well as an extraordinary authority to over-rule his Council on any measure which he considered affected the safety, tranquillity or interests "of the British possessions in India".³

¹Because the services of the old Bengal Presidency had remained undivided the Governor General maintained control of a large but ill-defined portion of the new Presidency of Agra, a fact which gave rise to a controversy in which the Governor, Sir Charles Metcalfe, declared to Bentinck, "If the Governor of Agra is not to nominate ... how can I reasonably be expected to be responsible for the Government of this country." Bentinck Mss., Metcalfe to Bentinck, 16 January 1835 and see P.P. 1852, X, 849. It was subsequently agreed that the Governor General would appoint to the superior posts.

²See Stokes, p.176. The author speaks of Mill's "authoritarian caste of mind", his influential argument against numbers on the ground that they lessened individual responsibility. Yet Mill nevertheless had advocated the inclusion of a native on the Supreme Council. See P.P. 1831-32, IX, 348. It was Grant who "did not think they were prepared for these duties", see Grant to Bentinck, 25 December 1833, p.15. Grant's decision here seems to reflect a primarily Ministerial concern for the uncomplicated running of the Supreme Government.

³3 & 4 William IV c 85 ss. 70 & 49.

Similarly with Indian finances we have this same negative emphasis on control by the Governor General: the great aim was that the Government should be enabled to "confine their expenditure within their proper income", no provision was made for positive measures such as a separate department of finance at Calcutta or for the presentation of an annual budget. It is not surprising that the most important influence exercised by the Ministry on the constitutional aspects of the Charter should have fallen on the aspect of control for Government was entering a new period both in England and in India, great changes were affected by the Charter and not unnaturally the Ministry had to insist on the greatest degree of caution expressed by the placing of overwhelming power in the hands of the Minister at home and the Ministry's nominee in India. Henry St. George Tucker in his dissent of 17 August 1833 saw this very clearly when he stated "I perceive only two powerful functionaries, the Governor General of India and the President of the Board ... and upon these must the fate of India henceforth mainly depend."¹

¹N.P., 471. It may have been as a belated realization of this fact that Holt Mackenzie on the occasion of the Charter renewal in 1853 petitioned in the Court of Proprietors against the Bill's reduction of the number of Directors and hence their independence, see Debates at the India House, 1845-58, p.206, 29 July 1853.

But what of the more advanced schemes and principles embodied in the Act? Certainly their inclusion testifies to the inclination of the Board at this time and of the receptivity of the Ministry. But the abandonment of the project for dispensing with the subordinate councils during the Charter debates themselves, the subsequent failure to implement the four fold system of nomination to the civil service, embodying as it did the competitive principle, the fact that the 87th clause remained, as far as the covenanted service was concerned, merely a principle, the fate of the Law Commissinn, of the whole project of codification and of the Fourth Presidency show that the favourable disposition of Grey's Ministry to these reforms in 1832-33 was no guarantee of a future commitment to their implementation. Benthamite ideas in particular might commend themselves to or impose themselves upon a reforming Ministry and a Reformed Parliament but this was no guarantee of their ultimate realization. This depended upon a continuing impetus from home and so, ultimately, upon the course of British politics and it is in this context that the above reforms will subsequently be discussed.

The Charter Act of 1833 was the most comprehensive legislation on India enacted by Parliament in the nineteenth century. As well as settling a commercial question of the first magnitude it substantially completed the process of the centralization of the British administration in India and thus began that of nation building in the sub-continent. As well as defining the form of the government in India and at home for the next twenty years, it proposed a plan of reform which, like the opening of the interior of India, had immense social significance.

Like Pitt's India Act, the Charter Act of 1833 had come at a critical juncture in British politics. This fact had made possible the constituting of a reforming Board and a Select Committee of like disposition. It had ensured that Parliament would be willing to pass this reform and was chiefly responsible for the virtual exclusion of the Directors from a say in the framing of the Charter and for even more so the limitation of their power to amend it.

Of even more profound significance to the subsequent development of Indian policy at home, the triumph of Reform in 1832 led to the reconstruction of British politics, of

British political parties. The Charter debates gave dramatic proof of the extent to which the views of members of the two parties differed on Indian questions at this time.

The Charter bore the stamp of the Whig party. The future conduct of the home government of India would bear that of which ever party was in power.

Chapter Three

THE SEQUEL TO THE CHARTER ACT,
WHIGS AND CONSERVATIVES 1833-35

Chapter 3

The immediate post charter period saw the replacement of the Whig Ministry of Lord Grey by that of Lord Melbourne and then, what would have seemed impossible only two years earlier, the formation of a Conservative Ministry under Sir Robert Peel at the end of 1834. Brief as this Conservative interregnum was to be, it would be pursued with a vigour characteristic of the greatest administrator of the day, and the activity at the Board would be no exception to that in other departments. But far more significant for this study, than the examination of what was accomplished under a particular Government, Whig or Conservative, is the "live" contrast in the management of Indian affairs between the two providing as it does an additional perspective with which to judge the impact of British politics upon Indian policy.

The passage of the Charter Act saw the end of the temporary eclipse of the Court. The air of urgency which had so frequently characterized Grant's disregard of their representations, disappeared, the discussion of Indian policy returned to the normal channels, and a more cordial relationship between Board and Court soon ensued. The resignation in October 1833 of the Chairman,

Campbell Marjoribanks,¹ followed by that of his Deputy, William Wigram, who almost alone of the Directors had refused to accept the terms of the Charter did much to reinforce this latter tendency.

The two men chosen to lead the Court during the winding up of the Company's commercial operations, through the period of transition to administration under the new arrangements, were John Loch, a former Captain in the Company's service, elected for the remaining six months of the Chairman's term and Henry St. George Tucker, one of the Company's most eminent civil servants, well versed in Indian finances, who was elected Deputy and would therefore be the first Chairman under the new Charter. Tucker had commenced his service under Cornwallis, whose system² in its major premises he adhered to, and had risen to become Accountant General and member of Council at Calcutta. His family motto "nil desperandum" serves admirably to characterize a man who had been foremost among the Directors in opposition to the

¹B/187, p.10, Court of Directors, 30 October 1833. He resigned ostensibly on grounds of ill health but in fact to avoid serving under the circumstances in which the Court had been placed. See Asiatic Journal, 1840, vol. 32, pt. 2, pp. 166-68.

²During the Conservative interlude of 1834-35 when Tucker could more freely express his preferences on the matter he told Ellenborough "We must however sooner or later come back to the just principles and judicious system of 1793". John William Kaye's Life of Tucker, the only biography of a Director of our period, and Tucker's own "Memorials", which Kaye edited, give a full account of this outstanding Director's views. See E.P. 29 pt. 2/8 Tucker to Ellenborough, 7 March 1835.

Ministry's plan, yet had at length counselled its acceptance "with all its defects" so that the Court could with "firmness" and prudence" play its part under the new system. For the remainder of Grant's term in office Tucker was to pursue a course of accommodation to the new circumstances of government leading the Court in opposition to the Board only when he deemed it vital to principles of good government. Grant, who during the Charter negotiations had found the previous Chairmen "obstinate, narrow-minded, wrong headed" was soon to observe of his relations with the new Chairmen, "we now proceed most amicably".

A measure of the extent to which the conduct of affairs changed with the passage of the act was the resignation of Holt Mackenzie upon his return from the continent where he had gone for reasons of health: "he had no confidence in Ministers who he admits may mean very well but who he says have not the courage to carry good intentions into execution".¹ Whether over a particular point or general considerations the most radical member of the Board had departed.

Filling the places created by the Charter was one of the most pressing questions to be decided. As the Charter took effect from the 22 April 1834 it was desirable that the Government of India should be notified prior to that date. Far more significant

¹Bentinck Mss., Ravenshaw to Bentinck, 26 June 1834.

however was the fact that the realization of the Charter's prospective provisions, particularly those connected with law making, depended to a great extent upon who should be placed on the Supreme Council and the Law Commission. For "the first movement of the great machine which is now to begin its operations" to employ Grant's own phrase, who better than those who had been so intimately connected with the creation of that structure? With the President's proposals Tucker was to cooperate while reserving the claims of the Company's servants for what he considered the appropriate appointments.

In the position of Fourth or Law Member of the Council, the man who was to be the 'interpreter of the Act' to the Government of India,¹ Grant had hoped to place his brother, who he felt was "by universal consent the fittest". Robert however scrupled at accepting a place which he had done so much to create and thus this key post went to Macaulay whose formal appointment, Grant told Bentinck, required a good deal of "skill and prudence" to obtain from the Directors, though in the end "the philosopher" was elected by a great majority.² The man who had been the spokesman for the Charter would thus carry into Indian administration

¹ Bentinck Mss., Bentinck to Charles Metcalfe, 12 May 1834. Bentinck recognized the need for an authoritative exposition "I am glad delay is unavoidable, because it will give us the benefit of Mr. Macaulay's notes and commentaries upon the context which by no means exhibits the intentions of the pro-pounder of this great measure".

² Bentinck Mss., Grant to Bentinck, 25 December 1833, p.12.

his unique knowledge of the principles underlying the great act and employ, for their realization, his matchless powers of persuasion in spoken word and legislative minute. The Chairman had also "entered cordially" into Grant's proposal for putting Holt Mackenzie on the Supreme Council, despite the fact that the former had been critical of many of Mackenzie's opinions. It was only Mackenzie's absence on the continent for reasons of health which prevented this Grant assured Bentinck.

In the appointment of the Law Commission, "the most important provision of the Act", Grant had observed to Bentinck,¹ great care was likewise taken for from their labours a substantially uniform system of policy, judicial procedures and laws was expected eventually to result. One member each from Bengal, Madras and Bombay were chosen- all by the home authorities - G.H.Macnaghten, J.R.Macleod and G.W.Anderson,² a disciple of Bentham's, partner of W.M.G.Colebrooke in the great reforming Commission of Inquiry

¹Bentinck Mss., Grant to Bentinck, 25 December 1833, p.13.

²Macleod, Macnaghten and Cameron were among "our particular set". In a letter to one of his sisters: "There is a little circle of people whose friendship I value, and in whose conversation I take some pleasure - the Chief Justice, Sir Edward Ryan, my old friend Malkin, Cameron and Macloed, the law Commissioner Macnaghten among the older servants of the Company, Mangles, Colvin and Grant among the younger." Macaulay Papers, O-15-12D 1 January 1836. Sir Charles Trevelyan soon to become Macaulay's brother-in-law should be added to this band of like-minded men.

in Ceylon,¹ was indicative of the sense of purpose at the Board at this time.

For the post of Governor of the newly created Presidency of Agra feeling in the Court and opinion "among the public in general" rendered the appointment of yet another "friend of the government" out of the question despite Lord Grey's desire to place Auckland there.² The choice was therefore to fall upon the Company's most distinguished servant, Sir Charles Metcalfe who enjoyed both Bentinck's support and the Court's full confidence at this time. However a Governorship became open when Lord Clare's decision to resign the Government of Bombay became known in 1834 and it was agreed between the President and the Chairmen that the place should be filled by Robert Grant.³

¹G.C.Mendis, The Colebrooke-Cameron Papers, introduction p.ix speaks of the Commission upon whose labours "the series of remarkable reforms which transformed the administrative, judicial and financial system of Ceylon between 1832 and 1834" were based. Both in India and later at home Cameron's devotion to what he saw as the purposes of the Act makes a study in tenacity.

²See Howick Mss., Memorandum on the Government of Agra, by Charles Grant, 27 August 1833 and also Grant to Colonel Morrison, 26 October 1833.

³Tucker and his deputy, W.S.Clarke, were criticized in the Court for proposing the nomination. In particular it was felt that with one brother at the head of the Board and the other as Governor of Bombay the official channels of communication would be by-passed by the private, such a situation did develop to a considerable extent but because of Ministerial ties rather than family ones, see B/242, pp. 28-30, Dissents of C. Mills, Wm. Astell, and R. Ellice, 24 June 1834.

Later in 1834 Charles Grant attempted to consummate these series of appointments by obtaining the Governor Generalship for himself. However the latter part of 1834 was not favourable for such an attempt. Tucker with the support of most of the Directors was determined to put forth the claims of the Company to the highest office in its service. Mountstuart Elphinstone having maintained his refusal to accept office on grounds of health, a resolution was passed, by overwhelming majority, on September 26, in favour of appointing Sir Charles Metcalfe.¹ In the event neither Grant's ambitions nor the Court's claims was successful. Lord Grey's Government, in which Grant's recommendations were generally received with sympathy had been replaced by Melbourne's first Ministry. Melbourne, who favoured the claims of Lord Auckland, was unwilling to support Grant against the Court although as he told the latter he was quite determined that the Court's resolution should not be acceded to.² Lord Melbourne's preference lay with a man of closer political outlook to his own than Grant. Whatever his reasons for this preference it is evident that the implementation of the prospective program of reforms contained in the Charter was not the decisive

¹ E/2/13, p.124. The Chairman to Grant, 27 Sept. 1834.
E/2/38, p. 47. Grant to the Chairman, 1 October 1834.

² Add. Mss. 46491, p.227. Melbourne to Lord Auckland, 17 September 1834. "This is a scheme in fact for omitting the Government of any share in the nomination and must be firmly and decisively resisted". This letter contains the first offer of the Governor Generalship made to Lord Auckland.

consideration for had it been there was none better suited for Governor Generalship than Charles Grant.¹

Whatever his natural sympathies with the Governor General might have been Grant as the Indian Minister insisted upon interpreting the Charter from home. Bentinck though he welcomed the 'India Bill' in its major principles took serious objection to the burdens thrust upon the Governor General under the new constitution. The location of the Supreme Government at Calcutta rather than in the Upper Provinces was not what he had wished. Even more serious the Governor General alone had been burdened with the Government of Bengal, an "augmentation of his labours already excessive".² The only relief Bentinck saw was a Governor and a Council for Fort William. But notwithstanding Bentinck's repeated requests that the whole should be placed on one uniform system, and the Court's efforts to comply, the constitution of the Governments as set down in the Charter was maintained.³

¹Macaulay's comment on Auckland's appointment "I should, on private grounds, have preferred Lord Glenelg, for whom I feel ... a strong attachment" was possibly motivated by this view for with him in particular private and public considerations are inextricably combined. See Add. Mss. 47227 ff. 186-7, Macaulay to Hobhouse, 16 January 1836.

²Bengal Secret Consultations, vol. 379, Minute of 29 January 1834.

³Bentinck Mss., Tucker to Bentinck, 7 November 1833; Bentinck to Tucker, 11 August 1834.

Grant proved equally obdurate with the Court of Directors on the fundamentals of the constitution and aims of the new system as they were discussed in the commentary despatch on the Charter which was on the anvil for the greater part of 1834.¹

"Our proposed despatch on the constitution of the Indian governments, the exercise of legislative functions etc. etc. is still before the Board but I hope we shall be able to launch it off without much further delay"² Tucker wrote to Bentinck in July of that year. He was mistaken, the draft despatch with its red pencilling, amendments and deletions did not receive final sanction until December when the Melbourne Ministry was on the way out. By then it had become the resultant of the combined, often conflicting, views of the Court and the Board, though predominantly those of the latter.³

The predominant view was to express itself most firmly over the clauses dealing with the work of the Law Commission.

¹ Despatch to India and Bengal in the Public Department, 10 December (No. 44) 1834. Laid before the RJI Committee 21 May 1834, sanctioned by the Board, 3 December 1834, signed by the Court of Directors 10 December 1834. See E/4/742, pp. 327-749.

² Bentinck Mss.; Tucker to Bentinck, 19 July 1834.

³ The often repeated statement - as with Stokes, p.193 & n. - that James Mill was the author of the despatch was, from our point of view, misleading. The original authority, Kaye in his The Administration of the East India Company, p.173 n. states "Mr. Tucker was chairman at this time, and his is, therefore, the first name appended to the letter. It breathes much of his spirit. I believe that the original draft was written by Mr. James Mill ... and that Mr. Robert Grant was concerned in its revision." The original draft, Mill's contribution notwithstanding, is seen by us as an effort to circumscribe the provisions of the Charter with the Court's own interpretations.

The Act had contemplated two periods of change, one immediate, the other prospective, at the end of which "a general system of justice and police and a code of laws common (as far as may be) to the whole people of India" would have been achieved. The draft of the Court, who had shown themselves skeptical of the appropriateness of such a goal, sought to guide the Commissioners along the more proven paths of legislative procedure. Their long disquisition was swept aside. With the brusque comment that the clauses proposed by the Court "would seem in great measure to supercede the labours of the Commissioners"¹ the Board simply ran the red pencil through paragraphs twenty-six to seventy of the original draft. The Board made it clear that the labours of the Commission would 'fill up' the whole of the prospective period and that one of the principal duties of the Supreme Government would be "to guide the course and promote the efficiency of those labours".²

The attendance of the Law Member of Council had been limited, by Lansdowne's amendment in the Lords, to legislative meetings of the Supreme Council only. Grant now sought to return to the

¹ E/2/38, p.12, Board to Court, 19 August 1834. This cancellation of what was par excellence James Mill's particular field of interest is a further comment on the primacy of the Ministerial viewpoint in forming the Charter. We can see in the Board's additions, see E/4/742 pp. 443 & 444-5, an emphasis on the consultation of native opinion in the process of law making which is more reflective of a liberal regard for public opinion than that more authoritarian stress on official opinion, British or Native, of the original draft which can be taken to exhibit the Court's as well as Utilitarian preferences.

² *ibid.*, 418.

original conception of the Fourth Member's functions by informing the Government of India that it could avail itself of his presence on any occasion on which it might seem desirable to do so, the words "without his vote"¹ being inserted to stress the fact that the Fourth Member's presence was not to infringe on the Executive power.

Grant's wording of the 87th clause of the Charter had been a negative statement removing factors of birth as a bar to the eligibility of Indians for Government service and in his letter to Bentinck the President had sought to explain its shortcomings by stressing that there was nothing in the act to prevent the Governor General from interpreting the clause in the most liberal fashion. The Board now sought to give a more positive character to the clause with the observation that "the great principle which the legislature has for the first time recognised" was expected to yield "visibly important and indefinitely expanding results".² The Chairman and most of the Court were opposed to any effort to give what they conceived as an artificial stimulus to the admission of Indians ultimately into the covenanted service. But not until after Melbourne's resignation when it became apparent that Grant must retire from office did

¹E/4/742, p.339.

²ibid., p.580, alteration of 19 August 1834.

the Board consent to delete their stated expectations of results from the clause.¹

Lastly Grant also sought, in the privacy of official correspondence, to do something more for the progress of Christianity in India than he had thought advisable to attempt in the Charter Bill submitted to Parliament.² Four paragraphs were inserted in the despatch dealing with the help the Government of India might extend to all sects of Christians, most significantly to native Christians. The Court protested that a wider opportunity "for unlimited demands upon the Government of India than the Board seem to be aware [sic]"³ would thereby be opened. As with their opposition to giving the 87th clause a more positive interpretation their opposition to the attempt over the Ecclesiastical clauses met with success only after Grant's retirement from office had become imminent. In agreeing to the deletion of their amendment the Board made it clear

¹ibid., deletion of 3 December 1834.

²Grant had also by the despatch of the 22 February 1833, which he had virtually re-written himself over the loud protests of the Court, sought to put an end to the association of the Government of India with the religious practices of the natives of India by counselling an end to the collection of the pilgrim tax and the administration of endowments of temples and mosques by the Government of India, both traditional duties of the ruling power. See Philips, pp. 276-7.

³E/2/13, p.158, Court to Board, 23 October 1834.

that "they consider themselves at liberty to act at any future time upon those opinions as freely as if they had not made the present concessions."¹

Grant had attempted in the commentary despatch to give a wider interpretation on some provisions of the Charter than the act itself seemed to call for, on some perhaps a narrower. But while he had not been particularly successful in the former endeavour and while the imminent fall of the Whig Ministry had forced concessions from the departing Board there had been no abandonment of the major premises of the Charter during Grant's term of office.

The Charter had separated the finances of India from extra-Indian sources of revenue and in so doing had, in the eyes of H.M.'s Ministers and the Home Government, magnified the importance of ensuring that Indian resources alone should answer for all the calls upon them, indeed that they should provide a surplus to meet the new charge² once the Company's assets had been fully transferred. Financial centralization,³ it has been observed, can be looked upon partially as a means to this end.

¹E/2/38, p.86, Board to Court, 3 December 1834.

²The net new charge, after the full benefit from the application of the Commercial assets had been received, was calculated as some forty five lacs of rupees or £453,525. See E/4/744, p.945, India Financial Despatch, 12 August (No. 10) 1835.

³P.J.Thomas, The Growth of Federal Finance in India, p.59, gives

But to infer from this that the direction of Indian financial administration lay wholly with the Governor General in Council would not be correct. In the view of Sir Charles Trevelyan, high positions who held/both in India and in England, as permanent secretary to the Treasury after his return, "the financial administration is the only branch of the Indian administration which is attempted to be carried on from home".¹ The size of the Government of India's remittances, the rate of exchange of rupee for shilling, the amount of the reduction of Indian debt and a number of other decisions were taken at home in which not only the Board and Court were concerned but frequently Government Ministers, particularly the Chancellor of the Exchequer. Moreover there was a constant general supervision of the financial administration of the Government of India, "That the Government is kept in a state of tutelage on this subject will be apparent to anybody who reads the general letters which the Company occasionally send to the Government in India on finance. In those letters the Company take a general review and point out what ought to be done in each respect."² Thus in addition to the great change

a vivid picture of the change: "The financial control of the Governor General in Council over the whole of British India became legally complete in 1833. The revenues were henceforth dealt with as a whole. They were paid into the treasuries all over the country to the credit of the Governor General in Council... Except for some small local cesses ... provincial governments became entirely dependant on the sums annually allotted for their expenditure by the Supreme Government."

¹P.P. 1852-53, XXVIII, q.8066.

²ibid.

in the composition of Indian finances and the constitution of Indian financial administration effected by the British Government of 1833 there was a permanent and major involvement from home.

The close involvement of the home government in the general aims and management in the administration of Indian Finance as well as in the non routine decisions on extraordinary expenditure ensured it a preponderant voice. Not only because H.M.'s Ministers were not infrequently concerned in decisions affecting Indian finances, but because the President and the Governor General subscribed to those views on financial questions generally which their colleagues in the Cabinet held, the imprint of the Ministry of the day is clearly evident. Financial administration, it has been noted, was the Achilles heel of the Whig Governments of the 1830s, budgetary inexpertise, their increasing deficits and their inability to effect the fiscal reforms to which they were pledged being a major cause of their downfall in 1841. With them finance never enjoyed the primacy of place which it did under Peel who during his first Ministry took the Exchequer and closely coordinated the work of other departments with his own. Grant's conduct of Indian financial policy was not in great contrast with that of the series of indifferent Whig Chancellors of the Exchequer at the time.¹

¹ Giving a sketch of Sir Charles Wood the Daily News, 18 January 1873, p.5, remarks that his management, during Russell's First Ministry "marked the lowest point to which the notorious incapacity of the Whigs for practical finance ever fell."

In the realization of the Company's assets, which were now being transferred to the service of the Government of India, Grant exhibited something less than a single minded desire to obtain the maximum for them. The Court, who considered themselves the guardians of India's finances, had appealed for a gradual cessation of trade, which would minimize dislocation of the market and entail a minimum of loss. Grant however informed the Chairmen that "it appears to the Government desirable to bring the Company's commercial transactions to a close with all practicable expedition. With this view, I beg to recommend that the Company should not send any more ships to India or China, nor proceed with any more contracts in this country". An exception was to be made in the case of silk filatures, but here Grant made it clear that the care that was to be taken in the disposal of the Company's silk factories in India applied "less to the pecuniary gain or loss of the Company, than to the interests of the producers and the wants of the manufacturers in this country".¹ Similarly with the disposal of the large stocks of tea which the Company had been required by law to maintain Grant gave evidence of the Ministry's responsiveness to the appeals of tea importers who had rushed into the market and an agreement was therefore arranged with the Company whereby it should limit

¹N.P., p.371, Grant to Chairmen, 13 July 1833.

its sales of tea to 4,000,000 lbs. a quarter if a greater quantity should be seen to depress the market.¹ On the matter of the compensation of the Company's maritime servants Grant was prepared to go further than even the Court wished. Indeed the latter had frankly desired to make the awards "as small as possible" within reason.² Grant on the other hand was more disposed to listen to the forceful entreaties of the ex-maritime servants of the Company and when they managed to reject the Directors' plan for compensation by the large vote of 385 to 137 in the Court of Proprietors he accepted their proposed scale, though making a gesture towards economy by reducing it twenty five per cent.³ The scathing criticism of Whig financial conduct in general: their "Budgets appear to have been designed primarily to offer concessions to those who asked for them the most loudly"⁴ would appear to apply with equal force to the conduct of the Whig Minister for India at this time.

Nor did Grant's handling of general financial policy exhibit a greater mastery of the subject than his conduct of detail. He emphasized the need for continued economy in his letter of December 25 to Bentinck "It is certain that nothing

¹E/2/37, p.371, Grant to Chairmen, 14 February 1834.

²See Asiatic Journal, 1834, vol. XIV, pt. 2, p.307.

³E/2/38, pp. 69-70, Grant to the Chairs, 12 November 1834.

⁴L. Brown, p.46.

but the strictest economy can succeed in answering all the demands upon the Indian treasury" but no detailed review or plan such as was to be sent out under Ellenborough was provided.¹ The Governor General was simply to continue to retrench along the lines already worked out "Your continuance in the measures requisite to produce that result we confidently rely upon."²

The sale of the Company's assets gave a temporary surplus of funds which provided a means of reducing the charge by paying off some of the Indian public debt. A despatch was sent out instructing the Government of India to remit £1,200,000 only and to apply the remainder of the funds thus made available to the reduction of debt.³ "The paramount object is reduction of charge by reduction of debt" Grant had told Bentinck but even here he had not pursued his own conviction that no remittances at all should be made. Rather he had compromised with the Directors who feared, mistakenly as it turned out, that private trade would not be able to effect a large enough remittance for the needs of the Home Treasury.⁴

¹ See below, p. 181 seq.

² Bentinck Mss., Grant to Bentinck, 25 Dec. 1833, pp. 18-19.

³ E/4/739, pp. 713-17, Financial Despatch to Bengal, 27 December (No. 29) 1833.

⁴ Bentinck Mss., Grant to Bentinck, 25 Dec. 1833, p. 19.

From finance we turn to another branch of the administration, not unrelated to it, that of relations with the native states. The case both for and against intervention in the affairs of the states had been forcefully argued before the Select Committee of 1832 and the bias, here as elsewhere, was in favour of intervention on the part of the Government though the value of caution had been generally conceded "all the evidence ... tends to show that any sudden change would be attended with difficulty and danger".¹ The problem of the native states was intimately bound up with the growth and development of British dominion in India which had radically altered their external and also the internal situation. In particular the system of subsidiary alliance, it was argued, by introducing a British force, paid for by the native state, provided a check against the traditional remedies for misrule - conspiracy or insurrection.² The most radical prescription for solving the problem of the native states was advanced by James Mill, namely, that they all be incorporated into British India and pensions be granted to their rulers.³ The justification for this in Mill's view was simply the greater happiness of the people under a

¹P.P. 1831-32, VIII, p.83 of the Report.

²ibid., p.81. The allied states either paid a pecuniary subsidy for the maintenance of the British force or, in some cases, ceded territory in lieu of a subsidy.

³P.P. 1831-32, XIV, q.65.

superior administration but the Report did not ignore the financial gain that would accrue to the Government "if the direct sway of the Company should hereafter be extended over the Territories of the Princes". It was observed that "in such a case a smaller aggregate force" would be possible, involving considerable financial saving.¹

If Mill's views were conspicuous they differed in degree rather than kind from the general tendency of the Report. The inclusion, in an appendix, of a paper of great length submitted by the chief clerk in the secret department at the Board is a fair indication of what was considered by Grant and his subordinates to be the correct course of action for the future. At the conclusion of his paper B.S.Jones observed "The mere consciousness of our ability to govern better than our allies cannot for a moment be urged as a reason for setting them aside. We must, therefore, necessarily wait until by some overt act they forfeit their right and title to our protection and support. The case, moreover, should be such as to render it evident to the people of India that the assumption of the power of the offending state was absolutely forced upon us."²

¹P.P. 1831-32, VIII, p.83 of the Report. The financial case for the annexation of the native states, implicit in this whole section, was given quite explicitly by Charles Trevelyan before a Committee of Parliament in 1840 "If the whole of India were under our direct administration, the expenses of government would be very little increased, while the revenue would be very much increased." P.P. 1840, VIII, q. 1895.

²P.P. 1831-32, XIV, p.293 of the Appendix.

The Court were fully aware that the development of the British empire in India was constantly changing the actual conditions of the relationship between the Government and the Native States. However, they were, as a body, strongly opposed to abandoning the principle underlying the formal agreements with the Native rulers to a course of action which aimed ultimately at incorporating the states within British India.

The case of the Kingdom of Oudh was to illustrate most dramatically the extent of the difference between the Court and the Board on this principle. But it would do more than this. It was to be the first example of that difference of opinion on policy towards the native states between Whig and Tory statesman which was to determine the course of that policy during our period. In the light of what emerges we find that we have something to add to Professor Phillips's observation that during Grant's Presidency of the Board "the revolution in the home government's attitude towards the Company's subordinate allies was complete".¹

The mood in Parliament at the time of the Great Reform Bill was extremely receptive to petitions of all kinds and those from creditors of native princes were no exception. Some of the claims made related to transactions which had taken place in the previous

¹Phillips, p.280.

century but Grant nonetheless showed himself responsive to the creditors' pleas, or those of their agents or heirs. In two notable cases¹ Grant intervened to see that the Government of India should use its authority on behalf of the claimants: that of the bankrupt firm of Palmer and Co. on the Nizam of Hyderabad and that of the Calcutta bankers, Munir Doss and Setal Baboo, on the king of Oude for money lent to him in 1794. In the former case the Court at length yielded in March 1833 and signed the letter which the Board had itself prepared though they did so with a formidable protest.²

Over the Oude claims however though the Court had received the Board's draft in December 1832, after failing to prepare one themselves, the draft had remained unsigned and there the matter rested until the Charter negotiations had been dealt with. The Board then reopened the case, quoting its statutory authority to compel the Court to sign the draft; and when the Court still failed to respond positively the Attorney General, on the 31st of January 1834, made the preliminary motion in the Court of

¹Grant also sponsored the "notorious monetary claims" of one Hodges upon the Zamindar of Nozeed and of Hutchinson on the Rajah of Travencore. Philips, p.280 n.

²Ravenshaw told Bentinck "we would not sign until we got a mandamus - Sixteen or Seventeen protested against it - only 14 have signed it after all and not more than 2 or 3 approve of it." Bentinck Mss., 11 April 1833. Thirteen Directors was the legal minimum of signatures required.

King's Bench for the issuance of a mandamus to compel the Directors to do so.

The Court had viewed the succession of claims as a "dangerous attack on the revenues of India and the Native States" which threatened to precipitate an avalanche of unrealized claims. In this case the conviction that to sign would be to authorize the despoilation of a native ruler, "to sink in the estimation of our allies" and to "endanger the stability of our own power" was so strong that **seven** of the Directors led by Tucker refused to sign even though this entailed the threat of going to prison. Another seven asserted that they would only do so ministerially in order to prevent the machinery of the home government from being disrupted and only one Director expressed approval of the Board's draft.¹

Happily the Court were never put to the test and this appears to have been due largely to the influence of party; the Oudh claims it appears were threatening to become an issue in Parliament. The Director J. G. Ravenshaw wrote to Bentinck "Mr. Grant is coming to his senses at last - for the question has been taken up out of doors and I am in hopes we shall hear no more of it - for the time to issue the mandamus has been allowed to go by and Lord Ellenborough has been induced to

¹B/242, p.1. Letter of John Forbes, 26 Feb. 1834.

postpone his motion on the subject of which he had given notice in the Lords".¹ Shortly after this Grant told the Chairman that it was not the intention of the Board to proceed with the mandamus lately moved for in the Court of King's Bench. Another course would be adopted - as a consequence of the intended assumption of the administration of Oudh all pecuniary claims on that state would be adjudicated by a strict investigation under the authority of the Supreme Government.² But here again Grant's expectations were not to be fulfilled.

Both the Court and the Board were agreed that it was impossible any longer to tolerate the maladministration of Oudh.³ But despite the former's conviction that something had to be done they were not prepared to go to the length the Board wished of making the assumption of the administration of that kingdom mandatory. The despatch as finally agreed to simply placed a discretionary power in the hands of the Governor General.⁴ This

¹Bentinck Mss., Ravenshaw to Bentinck, 23 April 1834.

²L/P&S/3/119, p.84, Grant to Tucker, 26 April 1834.

³Bentinck Mss., Tucker to Bentinck, 19 July 1834.

⁴E/4/741, pp. 406-08, Political Despatch 16 July (No.11) of 1834, para. 41. Tucker in a memorandum of October 1841 speaks of the original draft prescribing a mandatory assumption as having been quashed with the help of two Commissioners of the Board who shared the Chairman's view. See Tucker, Memorials of Indian Government, p.41.

was in fact what Lord Bentinck, whose policy it was to attempt to induce the native rulers, by advice and persuasion, to adopt reforms voluntarily¹ had requested. The Governor General decided to allow the King an opportunity to reform his administration.²

It seems probable that Grant's modification of his position on the assumption of Oudh's administration had also been affected by considerations of British politics. Whatever the case, Ellenborough's speech on the issue in which he examined the principles involved left no doubt of the great gulf between the position sanctioned by a Whig Ministry and that adopted by the Conservatives. For the last fifty years the principle of non-intervention in the internal affairs of a native power "had been acted upon by all the Governors General of India", now that principle was to be set aside on the plea of misgovernment. In Oudh's case this would be "extremely dangerous", an army of 60,000 would prove difficult either to disband or maintain. But the general application of such a formula would be more grave still

¹See K.N.Pandey, Lord William Bentinck and the Native States, Ph.D. London, 1959, ii.

²B. S. Jones in writing to Lord William, 22 August 1835, Bentinck Mss., did not appear too sanguine: "Mr. Cabell... informs me that you had determined to afford the King of Oude another chance of amending the disgraceful system under which his fine country was hastening to decay. I hope he will profit by your Lordship's clemency".

for "when once the principle was established that, for misgovernment, a sovereign might be dethroned, and that of that misgovernment the Legislature of this country erected themselves as the sole judges, "an alarm would be excited in all the provinces of India".¹ Ellenborough feared that the new era inaugurated by the Charter might prove to be "a return to the old system of Indian Government which had been abandoned for fifty years", rather than that the ignominy of such a course should be attached to the British nation, Ellenborough declared, with a nobility of sentiment comparable to that of Macaulay's oration the year before, "he would see its power in India fall for ever".²

The fact that Herries and Peel in the Commons³ in support of Ellenborough's was illustrative of the fact that the latter's position was more than a personal one, it reflected what we might loosely call a party attitude on a great problem of political, and indirectly social, change in India. The contrast of Ellenborough's position in 1834 with his more interventionist

¹ Hansard, 3S, XXIII, 484-6, House of Lords, 5 May 1834.

² ibid., 486. "fifty years" previously Pitt's India Act had stated that "schemes of conquest and extension of dominion in India are measures repugnant to the wish, the honor and the policy of this nation".

³ Hansard, 3S, XXV, 620 & 634, House of Commons, 28 July 1834.

position when he was President of the Board under Wellington,¹ strongly suggests that the positions adopted by Ministers or shadow ministers in the 1830s had received a large measure of redefinition because of the events centering around the Reform Act of 1832.

The events of 1830 marked a turning point for British foreign policy. The advent of the Whigs to power and the appointment of Lord Palmerston to the Foreign Ministry ensured that the British response to the quickly changing situation in Europe and Asia would make any cordial understanding between the European powers impossible. Palmerston's own reaction upon hearing of the July revolution in France expressed an attitude very different from that which had characterized the cautious, conciliatory if hesitant policy pursued under Wellington; "This event is decisive of the ascendancy of Liberal principles throughout Europe ... The reign of Metternich is over, and the days of the Duke's policy might be measured by Algebra, if not by arithmetic."² Under this new convert to Whiggism an aggressive assertion of what Palmerston considered to be British interests, apparently inseparable in his mind from liberal principles, came to characterize British foreign policy. The Peelites regarded this interventionist policy

¹For Ellenborough's action over the state of Nagpur see Philips, 271-2.

²R.W.Seton Watson, Britain in Europe 1789-1914, pp. 153-4.

as counterproductive of peace or of liberal government.

Gladstone as Chancellor of the Exchequer in the 1850s castigates its effect on domestic affairs in his letter to Sir James Graham when he says "I expect from him, with scarcely a shadow of doubt, a foreign policy keeping us in perpetual hot water; large establishments which will undoubtedly be needed to sustain it; the utter ruin of the financial policy of 1853; and general legislative inefficiency."¹ This verdict is not inapplicable to the case in the latter 1830s and as a description of the case with the Indian government it also applies to a large degree. In this and following chapters examples of both direct and indirect relationship between the Foreign policies of Britain and India will be examined, though not in detail, and the conduct of the latter under the Whigs will be contrasted with that under the Conservatives.

The focus of discord with Russia, the Treaty of Unkiar Skelessi concluded between that power and Turkey in 1833. Regarding the Treaty as placing the Porte in a position of vassalage to the Tsar, the Foreign Secretary had responded by the issuance of a "discretionary order" authorizing the commander of the Mediterranean fleet to comply with any request of the Turkish Government

¹C.S.Parker, Sir James Graham, II, p.291.

addressed to him through the British ambassador at Constantinople, at that time the notoriously anti-Russian Lord Ponsonby.¹

In the light of the growing Russian presence in the Middle East the strategic advantages of a regular line of steam communication with India, running through this area, were obvious. Of the two most practicable routes, by the Red Sea or down the great rivers of Mesopotamia, the latter was for reasons of diplomacy the most advantageous as it would form a natural check to the progress of Mehmet Ali of Egypt whose advance towards Baghdad was regarded by Palmerston as the prelude to Russian interference under the terms of its treaty with Turkey.²

The establishment of a system of steam communication with India had been considered by the sub-committee on trade and finance in 1832³ as a means of promoting commerce and for some it had a connotation as broad as a free trade in goods and ideas which would regenerate the East.⁴ On the 3rd of June 1834 Charles Grant moved for the appointment of a select committee on steam navigation. The personnel of that committee, its Report, and the subsequent approval by Parliament of the recommended £20,000 for the trail of the Euphrates route rather than that by the Red Sea

¹See H. Temperley and L. Penson, Foundations of British Foreign Policy, p.119.

²See M.G.I.Khan, British Policy in Iraq, 1828-43, London Ph.D., 1967, 110 & 196.

³See P.P.1831-32, VIII, p.60 of the Report.

⁴See P.P.1837, VI, Select Committee on Steam Navigation with India, q. 1954 for Lord Bentinck's letter of 1834 to the Madras Steam Committee.

was an example of the manner in which Palmerston and the Ministry were forced to accommodate their foreign policy to the realities of the Parliamentary situation, to that body's powers of financial control. The search for expedients would become more intense and of greater significance to the revenues of India during Melbourne's second Ministry. At present the Company's relationship with the Euphrates expedition was an auxiliary one, that of cooperating in the ostensible object of the operation - the founding of a line of steam communication whether by the Euphrates or the Red Sea. Grant's request that the Company's steamer, the Hugh Lindsay, should be despatched from Bombay with the mail in time for it to be transferred to H.M.'s steam packet being sent from Malta to Alexandria was duly complied with.¹

Relations with Persia at this time were under the control of the Government of India.² However Ellenborough as early as 1829 had held the opinion that diplomacy in that part of the world should be brought "into line with that which we adopt elsewhere with regard to Russia"³ and this was to be increasingly the case. In January of 1833 the Governor General was informed

¹See P.P.1834, XIV, Resolution 12 of the Report; Hansard, 3S, XXV, 932, House of Commons, 4 August 1834.

²For a comprehensive account of the alternation between the Indian and British governments of the control of the Persian Mission, see M.E.Yapp's article in the Birmingham Historical Journal, vol. VII.

³Philips, p.269.

that "the policy we ought to pursue with regard to Persia, in reference especially to the relations of Russia with that country has long engaged our attention"¹ and by the time Grant quit office the importance and interconnection of events in the Middle East and Persia was such that he could leave a memorandum at the Board which declared "That subject must now be understood to include all our relations, not only with Persia, but generally with all the countries that intervene between Europe and our East Indian dominions."² It is noticeable however that while Palmerston and the President of the Board were taking an ever greater interest in Persia, while some appointments were being made from London rather than Calcutta, no moves were made by the British Government to reassume formal control of the Persian Mission.

It is apparent from J.W.Kaye's biography of Henry St. George Tucker that by 1834 the Chairman was already alive to the significance which the progress of affairs in the Middle East and Central Asia might have for the Government of India and that in this area constituted a European question and should be dealt with by Great Britain.³ The subsequent conduct of the Court

¹L/P&S/5/546, Secret Despatch of 14 January 1833.

²L/P&S/3/120, p.6, Memorandum of 9 December 1834.

³See Kaye, Tucker, pp. 490-5. At this time Tucker also opposed the appointment of Lieutenant Burnes to a commercial agency at Cabul "feeling perfectly assured that it might speedily degenerate into a political agency", pp. 495-6.

towards the question of the Persian Mission, the Euphrates expedition and related matters should be judged in the light of this. It is not impossible that Tucker's bold attempt to obtain the Governor Generalcy for a Company servant was motivated by this same consideration.

The diplomacy adopted in the Middle East and Persia was rapidly being "brought into line" with that adopted elsewhere towards Russia and the foreign policy of India to the westwards, therefore, could not but be affected. A detailed analysis of the genesis and progress of Indian foreign policy and its interrelationship with British lies beyond the scope of this work. It will be more by the method of contrasting the conduct of Indian foreign policy during the years of Whig administration in Britain with that during the periods of Conservative, or perhaps by a combination of analysis and contrast, that we hope to be able by indicating the differences to say something about the nature and scope of the contribution of British politics.

The Charter of 1832 had been a Whig measure and in describing the conduct of Indian policy at home during the immediate post Charter period an attempt has been made to concentrate on those aspects which most clearly bear a party political imprint. Fortunately this attempt, admittedly of a tentative, exploratory nature is supplemented by the contrast provided by the management of Indian affairs under the incoming Conservatives.

Melbourne's dismissal from office in November of 1834 and Sir Robert Peel's acceptance of the King's commission to form a Government brought Ellenborough back, as a matter of course, to the Board. The immensity of what had been effected in Indian affairs under the Whigs prompted the learned Asiatic Journal to venture "beyond the circle of topics which belong particularly to this Journal" for, it argued, "In the present critical juncture of our political affairs ... the change which has recently been made in the administration, as it concerns every part of the empire and may exercise a material influence upon our Indian Government can scarcely be deemed an extraneous topic." It proceeded to hail the advent of the Conservatives as a blessing both for England and for India and then to observe on the Charter, "The bold and sweeping nature of the plan, admitted to be framed in deference to the voice of the nation; the imperfect mode in which its outline was filled up; the scope which it had already offered to arbitrary interference with the machine of Indian government and the prospect of similar interference unless barriers are provided by Parliament or by the moderation and forbearance of superior authorities render it highly expedient that a different ministry from the authors of the measure should be entrusted with the superintendence of its administration."¹

¹Asiatic Journal, 1835, vol. 16, pt. 1, pp. 1 & 4.

The point that the Conservatives, for so Robert Peel now called his party, did indeed hold and embody a profoundly different view of the principles and practice of administration from those of the Whigs has already been made; it forms an underlying assumption of the previous chapter. The conduct of policy at the Board during Peel's "hundred days" is significant therefore not so much in the work accomplished, hyperactive though Ellenborough was, but rather in the striking difference between the policies pursued under a Conservative Government and those which a Whig Board of Control had followed. This difference of approach, in many cases amounting to a reversal of policy, makes all the plainer the profound effect that party politics could have on Indian policy in an age of vigorous partisanship.

An immediate and pressing question for the home government, and one with which the Ministry was directly concerned, was the choice of a successor to Bentinck as Governor General. Though handled with due deference to the Court's sentiments the selection was made from among men closely associated with the Ministry. The offer privately made by Ellenborough to Mountstuart Elphinstone was, predictably, declined as had been all other offers of public employment though the gesture greatly pleased the Director Richard Jenkins when Ellenborough told him of it at their club, the Athenaeum. Tucker, who remained in the Chair throughout

Ellenborough's brief tenure of office, subsequently informed the President that the Court would not insist upon their original resolution in favour of Sir Charles Metcalfe and that they were willing to concert with H.M.'s Ministers. Apparently the Chairman did not think it so important to attempt to have a servant as Governor General now that the Conservatives were in power. The list of candidates for the post he handed the President actually contained Ellenborough's name¹ and when hem Wellington, and Peel finally settled upon Lord Heytesbury, a former ambassador to St. Petersburg, their choice was duly elected by the Court of Directors.

The presence of a Conservative Governor General would of itself have had a profound effect upon the workings of the Indian administration under its new constitution but Ellenborough intended to go much further than this. He immediately set out, upon a broad front, to modify the new arrangements. During the Charter debates Ellenborough had defended the subordinate councils as a security against the abuse of power, he now addressed a powerful discourse to the Chairman on the subject in which he declared: "The Government by Governors in Council is

¹E.P.28/5, 88 & 89, Diary for 21 December 134.

practically the constitution of India". He felt that "Even were it possible for man to perform all the business now cast upon the Governor General, it would be highly inexpedient that he should administer the executive Government of Bengal without a Council". Ellenborough recommended that the Court should use its power to terminate this state of things by appointing members of Council^c in Bengal.¹ Such a course of action suffered from the obvious disadvantage that a despatch bearing on the same subject had been sent out under the previous administration. The result was that a further indecisive despatch was sent out.² An effort by Ellenborough, after the Peel Ministry had retired from office, to effect the change by legislation at Westminster failed³ as did the subsequent effort of the Chairmen in 1840⁴ to prevail upon the President for the appointment of a Council to Bengal. The Whig Ministry was to maintain the view taken in 1833 of the importance of the Governor General having direct control of the administration of Bengal.

With the clarification of the ill defined status⁵ of the

¹E/2/38, 121, 30 December 1834.

²See E/4/743, 9, Legislative Despatch to India, 4 March (No. 2) 1835, para 5.

³P.P. 1852, X, q. 2286.

⁴See Home Misc., 836, pp. 116-8, Hob^house to the Secret^h Committee, 21 February 1840.

⁵Friction had already arisen over the division of powers, particularly of patronage, between the Governor General and the Governor of Agra. See P.P. 1852, X, 849.

newly formed Presidency of Agra Ellenborough and the Chairman were to have more success. The division of the former Bengal Presidency had remained unpopular with the Court and Tucker took the opportunity to tell Ellenborough "I think you will find the Court ready to cooperate in bringing things back to their proper places".¹ The President however pointed out that it was unlikely "the legislature which so recently constituted the Government of Agra, would be prepared at once to sanction its abolition".² Instead therefore a Bill was introduced which simply enabled the home authorities to suspend the provisions of the Act relating to the creation of the Presidency, the Governor General already possessing the power to appoint a lieutenant governor on his own authority. Rather than restoring the Bengal Presidency to its former state Ellenborough's Bill³ more clearly subordinated the head of the government of the upper provinces⁴ to the Governor General.

¹E.P. 29, pt.2/8 Tucker to Ellenborough, 20 January 1835.

²E/2/38, 264, Board to Court, 16 March 1835 in response to Court's letter of 12 March 1835. See E/2/13, 305.

³Peel was willing to see the Bill brought forward provided that the case for the change should be laid before Parliament, see E.P. 29, pt. 2/9, Peel to Ellenborough, 16 March 1835.

⁴From 1836 onwards these provinces became known as the Lieutenant Governorship of the North Western Provinces.

Particular attention was of course given to the functioning of the Supreme Council. Ellenborough noted in his diary for 31 December 1834, "Mr. Mill came to the Board and I had a long conversation with him respecting the various misunderstandings of the Law by the several Members of the Supreme Council, and letters will be separately written to treat of each."¹ By law Ellenborough meant the Charter which he was in the process of reinterpreting in a manner which went beyond what even the Court thought advisable. The crux of the dispute was of course the relationship between the new law member - and by extension the Legislative Council - with the Governor General's Executive Council. On the 27th of June 1834, the very day he took up his legislative duties, Macaulay had fired the first shot of what was to be the continuing debate on this question.² In his minute of that date Macaulay complained of his ill defined powers, referring directly to the amendment made in the Lords which limited his attendance in Council to Legislative meetings only and he desired that this point should be referred to the home authorities

¹Diary, 107, 31 December 1834.

²P.P. 1852-53, XXVII, Appendix No. 10 gives the course of this controversy which continued virtually throughout the term of the charter.

for decision.¹ There was, after all, little doubt that with a Board headed by Charles Grant the question would be decided in the sense which Macaulay wished. But the Fourth Member went much further than the mere question of his attendance, he stated boldly that in his opinion the division of powers between the Executive and Legislative Councils was "analogous to that which exists in the Government of England". This amounted to a claim that the Charter had given the Legislative Council "a control over almost all the proceedings of the Executive Government".²

Instead of the Board of which Macaulay had once formed a part, it was that headed by Lord Ellenborough which now took up the question³ of the functions of the Law Member. Two despatches were sent out. In one Macaulay's assertion that the Fourth Member could by his opposition on a legislative matter force the Governor General to have recourse to his extraordinary powers to overrule the Council was rebutted by the legal advisors of the Crown and the Company,⁴ which amounted to a denial

¹ *ibid.*, 521, Minute of 27 June 1834, paras. 1 & 2. The Home Authorities, as noted, had already made provision for the Fourth Member's attendance at non legislative meetings in the Public Despatch that had finally gone out on 10 December 1834.

² *ibid.*, paras. 6 & 7. Bentinck in his Minute of 31 July 1834, para. 3, p. 522, while noting that the "legal and constitutional difficulties" thus raised "can only be solved by the authorities to whom they have been addressed" nevertheless allowed himself the opinion "that the new Act has not altered the character of the Council; that it is one and the same for executive and legislative purposes!"

³ See E/2/38, 113, Ellenborough to the Chairmen, 29 December 1834.

⁴ See P.P.1852-53, XXVII, 519, Legislative Despatch to India, 27

of Macaulay's assertion of the independent position of the Legislative Council. In the other despatch notice was taken of an opinion expressed in Council, prior to Macaulay's arrival, that the Law Member had the power to confer a more formal legality upon the proceedings of the Supreme Council. The opportunity was taken to stress the fact that the Legislative Council would have no right to confer legality upon proceedings not in conformity with Acts of Parliament.¹

Despite the fact that Bentinck in his minute of 31 July 1834 had urged the value of allowing the Fourth Member to be present at the executive meetings of the Council Ellenborough was not prepared to accept the discretion allowed by Grant to the Governor General on the question of the "philosopher's" attendance. In another of his long constitutional discourses to the Chairman Ellenborough pointed out that it was "inexpedient that a person should be constantly present at the deliberations of the Council, take a part in them, and perhaps influence the decision by his arguments, and yet be wholly without responsibility for the advice he may give and he requested that a draft despatch should be framed that would limit the fourth member's attendance to

February (No. I) of 1835.

¹ibid., 519, Legislative Despatch to India, 4 March (No. 2) of 1835.

to legislative meetings of the Council.¹ The Court's draft, however, still left too much discretion to the Governor General in the Board's view and it was therefore amended.² It was only the arrival of Melbourne's second Ministry which prevented the revised despatch from going out, for the new Board cancelled the instructions as superfluous as the Court knew they would.³ The Whig Government was to show itself indisposed to allow to Macaulay the same influence he had enjoyed under Bentinck and Metcalfe, yet it was with Ellenborough's arrival as Governor General in the 1840s that a really dramatic stage in this struggle would be reached.

Similarly, though the Public Despatch of 10 December had delegated the power of framing the new rules of procedure in the Legislative Council to the Supreme Government itself Ellenborough now insisted that the Court should forthwith frame these and submit them to the Board in accordance with section 47 of the Charter.⁴ Tucker and Clarke objected that long experience

¹ See E/2/38, 193 & 195, Ellenborough to Tucker and W.S. Clarke, 18 February 1835.

² E/2/38, 333, 8 April 1835.

³ E/2/38, 376, 18 May 1835.

⁴ See E/2/38, 100-01 & 104, Ellenborough to the Chairmen, 23 December 1834.

had convinced the Court of Directors that under "the very imperfect knowledge which can here be attained of all the circumstances connected with and bearing upon public arrangements, and operations of the Government of India, there are few cases in which precise and peremptory rules ought to be prescribed".¹

The Chairmen adhered to the principle of laying down broad general observations for the guidance of the Supreme Government though the Board under Grant had not dealt tenderly with what it considered efforts to circumscribe the activities of its appointees in India. Ellenborough insisted on the prerogative of the home authorities. The principle of Whig and Conservative view might seem opposed, in actuality the end was the same, to determine the course of events either through nominees or, for want of these, directly, at home. However, as with the attendance of the Fourth Member it was the fall of Peel's Ministry which determined the matter by preventing the rules from duly being framed and sent out.²

¹E/2/13, 215, 5 January 1835.

²Thus it was Macaulay who framed the rules of procedure. At Calcutta the conservative minded Henry Thoby Prinsep took a similar view to Ellenborough on the desirability of strictly limiting the Legislative Council's powers arguing that all laws should initially be considered by the Executive Council according to the department to which they pertained and only then submitted to the Legislative. See Stokes, p. 197. Had Ellenborough remained at the Board and had a Conservative Governor General gone out to India it appears probable that Prinsep's views would have enjoyed greater weight than they did under Bentinck and Metcalfe.

The Law Commission's existence was an established fact, its present members had been appointed in the latter half of 1834, the previous Board had dealt at length with what was expected from it. Nevertheless Ellenborough now attempted to accomplish what the Directors had failed to do, to circumscribe the Commission's activities. To Cameron who was on the point of leaving for India he wrote setting out what he considered to be the scope and purposes of the Commission, laying particular stress on the need to avoid uniformity in legislating for a country "more various than Europe" and to disturb as little as possible the existing customs and institutions of the people.¹ Cameron for his part stoutly defended the task assigned to the Commission: "the main scope of the Indian Law Commission as I understand it is not to alter the rights with which the people of British India are now invested but to ascertain what those rights are, to define them, and to define the means of effectually protecting and enforcing them!"² Though the manner of this reply provoked Ellenborough's admiration: "Nothing but good can arise to the people of India from investigations carried on in the spirit you manifest"³ it

¹E.P. 29, pt. 3/6, Ellenborough to Cameron, 23 January 1835.

²ibid., Cameron to Ellenborough, 26 January 1835.

³ibid., Ellenborough to Cameron, 27 January 1835.

ignored rather than rebutted the argument for caution for certainly the Commission's activities were to be less passive than the Bethamite Commissioner seemed to be admitting to.

The above exchange did not bring to an end Ellenborough's efforts to contain the work of the Commissioners. Replying to a suggestion from the Chairman that the acts of Parliament relating to India should be consolidated in order to ascertain which had been superceded by the late Charter Act Ellenborough took the opportunity to suggest that the Court itself should undertake the consolidation of the regulations of the three Presidencies thus leaving the Law Commissioners free to devote themselves to their inquiries into the customary laws and rights of the various classes of inhabitants of India.¹ Such a work would have greatly limited the functions of the Commission. However the Chairmen did not reply until April 9th and then in the negative;² there was hardly time left then to take the matter further.

Though both the Court and the Board had objected to the wholesale changes in the system of Indian government, particularly those involving legislation, brought about by the Charter the former was inclined to come to terms with what had been done, to attempt to modify rather than reverse it. This may well have been due to Tucker's appreciation of the realities of the political

¹E/2/38, 199, Ellenborough to the Chairmen, 18 February 1835.

²E/2/13, 356-7.

situation in England, namely that Peel's Government was unlikely to last long. Whatever the case it is apparent that the Court was not willing to go as far as Ellenborough wished, that though there was substantial agreement in criticism of the provisions of the Act there was not an identity of position between the parties.

Ellenborough's approach to the problems of Indian financial administration, which he felt the "recent measure of the legislature had either occasioned or increased" was no less comprehensive than that he took on constitutional questions and if anything was even more consistent with the principles he had put forth in the Lords two years earlier. His apprehensive attitude, contrasted markedly with the sanguine expectations which Grant had entertained and likewise his efforts to direct from home the measures by which Indian expenditure should be decreased and her revenues increased differed from those of his predecessor not only in the energy with which they were pursued but in the assumption on which they were based. Just as Grant's handling of financial matters reflects the characteristics, as well as, in the case of the Charter's provisions, the effects of Whig financial administration so Ellenborough's bears much of Peel's.¹

¹In a letter of 5 Jan. 1835 sent to members of his Cabinet Peel had announced his intention of making the estimates for 1835 lower than "any preceding Estimate since 1793", it was most important "that the heads of each Department should commence without delay a consideration of what retrenchment can be made consistently with the time and permanent interests of the public service." By this means Peel sought to "increase the stability of our Government". See Add. Mss. 40310 f.18, Peel to Wellington.

Ellenborough had preached the need for a minute and forceful control of expenditure during the Charter debates and now he proved as good as his word: "Nothing but steady perseverance in attention to the smallest details of Indian expenditure can bring things about, they seem beyond the reach of a single stroke, however bold"¹ he wrote to a correspondent on financial matters.

On the question of compensating the Company's ex maritime servants Ellenborough, with Peel's full support² and in the face of a strongly organized lobby headed by George Robinson, Director of Lloyd's, steadfastly refused to consider any claims not conceded under the former Ministry. Ellenborough also put Indian interests first when he rejected the petition of the British Chamber of Commerce at Canton that the Company's financial agency there should be closed as it deterred the British capitalist from venturing into such activities.³ To cut expenses at the Board Ellenborough told Mr. Pennington, the account specially appointed under Grant during the Charter investigations, that he "could do the business without him" and "so save £1500 a year".⁴ With the disposal of the Company's assets, ships, warehouses, tea and other

¹E.P. 29 pt. 3/5, Ellenborough to Lord Bexley, 16 January 1835.

²See Hansard, 3S, XXVI, 844-46, Sir Robert Peel, House of Commons, 11 March 1835.

³See E.P. 29 pt. 1/16.

⁴E.P. 28/5, 81, Diary for 19 December 1834.

commodities no opportunity was lost of obtaining a maximum and the Court's request for customs concessions on its remaining goods and for permission to dispose of 6,000,000 lbs. of tea at the March sales were granted.¹ Even with his suggestion that a private Company could best handle steam communication with India Ellenborough seems to have been guided by a desire to relieve the Indian finances of such a charge. Over these details of Indian finance the Conservative President had been as rigorous as his Whig predecessor had been lax and in terms of their respective parties the contrast was appropriate.

Under Ellenborough the first comprehensive review of the present condition and prospects of Indian finances "as affected by the recent alteration of system" for the direction of the Supreme Government was formulated and sent out, it was unmistakably a reflection of his thinking. In order "that we may be kept regularly informed of the extent to which you have succeeded in restricting and reducing your expenditure" the Government of India was instructed "to furnish us with Quarterly statements of every increase and decrease of charge which you may sanction, whether civil or military with the general reasons for each". The Government was warned against relaxation of its

¹E/2/38, 143, Board to Court, 13 January 1835.

efforts to retrench because of the temporary surplus of funds occasioned by the sale of the Company's assets, and this time the "whole of the Funds in excess of what the immediate wants of the Government may require are to be faithfully applied to the reduction of Debt".¹ Perhaps as an indication of thinking upon foreign policy the Government of India was instructed to "keep the military charges of India at the lowest amount consistent with the maintenance of an efficient Army".² The despatch of April 15 is also remarkable for the fact that it deals with more than the receipts and expenditures of the Indian government, it shows, in however embryonic a form, a concern for the "moral and material" progress of India.³

During the Charter debates Ellenborough had shown a more positive attitude towards Indian finances than the Whig spokesmen. His correspondence at this time is consistent with his earlier views. He did not consider the mere reduction of expenditure sufficient in itself to place Indian finances on a satisfactory footing "Ultimately I trust we may effect a large saving, but at the present moment we cannot materially diminish our charges" and to "increase taxation is impossible. It already presses

¹E/4/743, 519-23, India Finance Department, 15 April (No. 5) 1835.

²ibid., 516.

³ibid., 260-70 (paras. 14 & 15) esp.

but too heavily upon the people". The answer lay "in the improved condition of the resources of the country" and in that alone could be found "the resources that will preserve us from bankruptcy".¹ These observations had been contained in a letter to the Chairmen of 18 March 1835 which had been provoked by the reading of Sir Charles Trevelyan's "luminous" report on the town and transit duties of the Bengal Presidency. Ellenborough's letter amounted to a major statement on financial policy.² It was his wish that the abolition of the strictly internal duties in Bengal, giving "entire liberty to the internal communications of 60 millions of people", should be "the first act of Lord Heytesbury's government". This step "would assist his Lordship in all his future measures", it would soon be extended to the other provinces of India and would induce the neighbouring to follow suit. Ellenborough hoped to complement the removal of the internal duties of India with the reduction of the import duties charged in Britain upon Indian produce to the level of those charged upon West Indian goods.³ Peel agreed

¹E/2/38, 276 & 277, Ellenborough to the Chairmen, 18 March 1835.

²It is contained in the Appendix to P.P. 1852, X, 785-7, prepared under the Tory Derby Ministry.

³The financial despatch of April 15 commenting on the need to develop "new springs of wealth" expressed the hope that "the British Legislature may be induced to adopt a more equitable commercial policy towards India". E/4/743, 267-8.

with Ellenborough's proposition on this but the matter had to be deferred as the Chancellor was already in the process of introducing the budget for the year.¹

In foreign policy as elsewhere that pursued during Peel's first Ministry was the forerunner of what would be realized under his second. The brief duration of this government of course severely limited what could be done and perhaps obscures what we maintain was a difference in kind from the foreign policy pursued under the Whigs, a difference which we hold was of great importance to the external policy of the Government of India. The general characteristics of that policy, as fully manifested in the period 1841-46, were its pacific nature, the manifest desire on the part of the Ministry to reach an accommodation with other major European powers, particularly France and Russia, and the connection between the desire for peace and Peel's insistence on bringing expenditure under control, in particular reducing military and naval expenditure, a prerequisite for the effective reform of the fiscal system of Great Britain. In varying degrees these are already present in the earlier period. The most apparent was that of Peel's reduction of the naval

¹ E.P. 29 pt. 2/9, Ellenborough to Peel, 3 March 1835, enclosing a petition from the Court of Directors for lowering duties on E.I. commodities.

and military estimates in his budget of 1835.¹

Peel's Ministry had inherited a tense situation in the Middle East and Wellington, now Foreign Minister, did not underestimate its seriousness. He did, however, act decisively to defuse the potentially explosive situation created by Palmerston's issuance of the "discretionary order" to the Mediterranean fleet by cancelling that letter,² and by generally discounting the reports of Lord Ponsonby who had remained at Constantinople only because he believed, rightly as it turned out, that Palmerston would soon be back in office. The contribution made by Wellington's protégé, Ellenborough, to policy in this area, the Euphrates expedition, and in Persia was in accordance with the tenor of British foreign policy at this time, not with that of some of his more aggressive ideas of the 1820s.³ We can observe the same tendency in those despatches to do with the policy of the Government of India beyond its north western frontier.

Thus in answer to a question by William IV about the significance to British interests of the struggle for power in Afghanistan Ellenborough assured His Majesty that whereas the

¹ Halevy, III, 335, notes of expenditure on the army and navy in the 1830s, "It had never been so low as it had been in the budget introduced by Peel during his brief tenure of office".

² Temperley and Penson, p. 120.

³ See Philips, pp. 269-70; see also A. Imlah, Lord Ellenborough, p. 69n for a conclusion similar to the above.

independence of that country "is matter of much interest to the British Government in India ... it does not appear to be of moment whether the dominions of that country be in the hands of Shah Shuja or Dost Mohomad. It is however very desirable that Ranjit Singh should not establish his power on the right bank of the Indus".¹ The Government of India was subsequently told that their acquiescence in the sale of arms at Delhi to the pretender, Shah Shuja, was a "virtual breach of that neutrality which in all such cases the British Government ought and professes to pursue".² The last secret despatch to go out before the Whigs returned to power dealt with relations to the north west and simply counselled the Government to maintain the division of power between Sindians, Afghans and Sikhs.³

The Euphrates expedition was part of this inheritance from the previous Ministry. Wellington and Ellenborough do not appear to have been enthusiastic about it⁴ and there is no clear evidence of whether they intended to use it as a counter to Russian penetration in the area. Wellington simply advised Ellenborough to carry out the

¹E.P. 29 pt. 1/1, Ellenborough to William IV, 28 January 1835.

²E/4/743, 77, Political Despatch to India, 18 March (No. 4) 1835. In the debates on the Afghan War, in 1839, Ellenborough was to accuse the Whigs of having acquiesced "in the expedition of Shah Shuja to Candahar in 1834". Hansard, 3S, XL, 963, House of Lords, 28 February 1839.

³L/P&S/5/547, Secret Despatch of 7 March 1835.

⁴See E.P. 28/5, 133. Ellenborough's Diary for 13 January 1835 : Chesney came, "He would not take upon himself the responsibility of deciding whether the expedition should be given up or not."

expedition in the manner laid down by Parliament, descending the river rather than ascending it.¹

Towards Persia H.M.'s Ministers took the important step of transferring control of the mission to the Crown. The long anticipated demise of the Shah had finally occurred in October of 1834 and the Cabinet had decided that it was desirable to make a definite attempt to come to an understanding with Persia if possible with the cooperation of Russia. Sir H. Ellis, who as a Commissioner at the Board had been largely responsible for the conduct of the Persian correspondence was selected to head the mission and was instructed along these lines.² Accordingly Ellenborough wrote to the Chairman explaining "The disorganized state of the kingdom, the succession to which cannot be expected to take place without internal wars makes it particularly necessary at the present time that the British Representative should possess all the influence with the Russian and the Persian authorities which can be given to him". The costs of the mission would have to be borne by the Company as Parliament would not consent to any such grant "even were H.M.'s Government prepared to ask for it", which clearly they were in no position to do. Ellenborough therefore requested that the Company should contribute £12,000 annually,

¹See *ibid.*, 94, Diary for 22 December 1834.

²See M. Yapp, British Policy in Central Asia, 1830-43, Ph.D. London, 1959, pp. 73-4.

been
the sum which had/ previously the limit of annual expenditure
by the Government of India on the Mission.¹

The fact that Tucker and Clarke readily agreed to recommend this proposition to the Court despite the strong conviction among many directors that the Mission was "a perfectly useless establishment" was the result of the former's wish to disassociate Indian finances from the course of foreign policy in the area as much as possible, the Chairmen contended that affairs in Persia were "much more connected with European politics and negotiations than with Indian".² This was such an important object that they were even willing to accede to a supplementary request for the payment for the cost of these British officers employed in training Persian troops.³

The Ellis Mission as conceived by the Conservative Ministry appears to have been a forthright attempt to reach a stable arrangement with Persia, if possible with Russian cooperation. That it received no support from Palmerston and the new President of the Board after the Whigs had returned to power⁴ appears to

¹E/2/38, 126-7 & 129, Ellenborough to the Secret Committee, 20 December 1834.

²E/2/13, 229, The Chairmen to Ellenborough, 15 January 1835.

³E/2/13, 297, Chairmen to Ellenborough, 12 March 1835.

⁴See Yapp, pp. 47 & 80.

have followed from a profoundly different conception of what could be accomplished in Persia and a different approach to the problem of Russian influence in this part of the world. Indeed all the questions of foreign policy dealt with in this chapter have relevance to such differences between Whig Ministry and the Conservative. For in those cases where the foreign activity of the Government of India was not the direct response to an order issued from home it shall be by means of showing where such differences existed that, in lieu of a detailed study of the genesis and progress of such great matters as the Afghan expedition, this thesis can make some contribution.

Ellenborough's efforts in almost every department of Indian administration had been aimed at the reversal or at least at the modification of the work of the previous government and had he remained in office there is little doubt that his efforts would have been substantially carried into execution. It is evident in the instances dealt with, and elsewhere, that Ellenborough frequently attempted more even than the conservative-minded Court, who shared many of his views, were willing to assist in. Had another Conservative Minister been at the Board he might conceivably have attempted less. Ellenborough's restless, imperious

personality was in itself a factor in what was done but ultimately that depended on the course of British politics, on the accession to power of the Conservatives and the general approach to problems of administration which was being worked out by Sir Robert Peel.

Chapter Four

INDIAN POLICY DURING THE MELBOURNE MINISTRY 1835-41.

THE ABANDONMENT OF RADICAL REFORM AND THE ADOPTION

OF AN INCREASINGLY ACTIVE FOREIGN POLICY

Chapter Four

Following the resignation of Peel and his Cabinet the Whigs returned to power, under Lord Melbourne, for six years. The length of his second Ministry however was no measure of the strength of Melbourne's Government. After the general election of 1835 the Whig majority in the Commons was no longer overwhelming and after that of 1837 it was downright precarious.¹ The Government's position was made all the more difficult by the fact that it rested upon an association between Whigs, Radicals and Irish M.P.s. Melbourne, who has been described as intellectually very liberal but politically quite conservative, meaning cautious, accepted the alliance as a matter of necessity feeling no more enthusiasm for it than he did for the Utilitarian doctrine of one section of the radicals. Internally his government was hardly stronger than it was externally. Peel referred to it as a "mere government of departments without a centre of unity".² The Home Secretary, Lord John Russell, as well as Palmerston at the Foreign Office, all too frequently led where they should have followed.

¹J. A. Thomas, "The House of Commons, 1832-67", Economica, March 1925, p.50 gives the Whigs a majority of 370 in 1832, one of 112 in 1835 and a mere eighteen after the general election of 1837.

²Woodward, p.111.

The years of Melbourne's second administration witnessed the virtual disappearance of the reforming style of Lord Grey's Government. Legislation on outstanding problems ceased to be a matter of quick, radical solutions and became rather one in which the agreement of the Opposition, continually gathering strength under Peel's leadership, was often as necessary as that of Melbourne's own parliamentary allies. On the other hand there was nothing stable or static about the condition of British finances during these years, they became steadily worse owing to increased national expenditure particularly on the army and the navy for which Lord Palmerston's foreign policy was responsible, and also owing to decreased revenues caused by a depression in trade.¹

The course of administration in India during the years 1836 to 1841, when the government was under the direction of the appointee of the Melbourne Ministry, closely parallels that in England under the Whigs. The vigorous style of legislation which pertained before Auckland's arrival is quickly transformed into one which takes account of a wider group of authorities in India and in England and is consequently less radical. On the other hand Indian financial administration which had already been profoundly modified as a consequence of Act of 1833 is overtaken

¹ See Halevy, III, pp. 198-99 and 335-6.

after 1838 by mounting deficits caused by the pursuit of a vigorous foreign policy and is by the time the Whigs quite office if anything in a worse state than the British.

The man who obtained the Presidency of the Board in 1835 contrasted greatly with the man who had held it during the reforming years of Lord Grey's Ministry and considering the different character of the Whig Governments before and after the Conservative interim this difference was not inappropriate. John Cam Hobhouse, the friend and literary executor of Byron and a member of the Greek Committee, had for many years represented the Radical stronghold of Westminster in Parliament. With his acceptance of office under the Whigs and with the passage of the reforms to which he had been committed however Hobhouse came to accept a more orthodox political stance. Among the offices he had held under Lord Grey was that of Secretary at War, Palmerston's old post of Parliament's financial watchdog over the forces. Upon his refusal to accept this post in Melbourne's second Ministry he had been offered the Presidency of the Board.¹ A man of short stature but imposing appearance, of forceful, if inelegant, style as a speaker he was well equipped, when

¹See D.N.B.

the need arose, to defend Indian policy in the Commons or to impose his will on the Directors and by experience, as well as by temperament, Hobhouse was well suited for the close relationship with the Foreign Minister which he was to maintain over the next six years.

Virtually Hobhouse's first official act was to write to Lord Heytesbury advising him to stay the preparations for his departure.¹ Taken with the full knowledge that it would be strongly resented by the Court of Directors as well as the Opposition the vacation of Heytesbury's appointment is an indication of the importance placed by the Ministry upon having their own appointee at Calcutta. Peel was quite right when in the Commons debate on the measure, he asserted that it "must carry into the Government of India the colours and shades of our political differences"² in Britain. But had Heytesbury gone out under a Conservative Government the same would have been equally true though with a very different result.

The Court protested against this "arbitrary Act of Power" but they were unable to stop it. Resenting the manner in which

¹Home Misc., 833, 1, Hobhouse to Heytesbury, 20 April 1835.

²Hansard, 3S, XXIX, 59, 29 June 1835. This case was not unique. Heytesbury wrote to Lord Ellenborough that "I hear that Lord Amherst has also been superceded, and that Sir Howard Douglas is recalled from the Ionian Islands-war so the knife is declared against everything Conservative". E.P. 29 1/2, 5 May 1835.

the incoming Whigs had been forced to act rather than disputing their right to make the appointment, the Court were subsequently willing to cooperate by not proposing a successor to Lord William until the Ministry were ready to have the appointment made.¹ Tucker was out by rotation and the only two Directors to dissent from this arrangement were George Lyall and Richard Jenkins both of whom sat as Conservative M.P.s in the 1830s.²

George Eden, Lord Auckland, who formally accepted the Governor Generalship in July of 1835 was a Whig of long standing who had served as President of the Board of Trade and Master of the Mint under Lord Grey and had received the Admiralty under Melbourne. Amongst men who were for the most part novices in the field of administration he was generally regarded as a good man of business though Henry Thoby Prinsep who served under him, perhaps influenced by the disasters of the first Afghan War, adds "but he was much wanting in promptitude of decision and had an overwhelming dread of responsibility."³ Melbourne, as we have seen, had considered Auckland for the Governor Generalcy as early

¹ E/2/13, 428, Chairs to Hobhouse, 28 May 1835.

² See B/242, 62, Dissents of 17 June 1835. In his relations with the Court Hobhouse was particularly fortunate in having Sir James Rivett Carnac, whom Melbourne made a Baronet, first as Deputy, 1835-6, and then as Chairman for the two succeeding years, 1836-8. Carnac became a Whig M.P. in 1837. Elsewhere, only with the aged W.S. Clarke, whom Heytesbury refers to as a political 'friend', and Sir Richard Jenkins, Chairman 1838-9, is any friction apparent.

³ Prinsep, Three Generations, p.227.

as 1834 and in commenting upon his own style of administration George Eden shows himself to be a man of similar inclinations to the Prime Minister: "It had been my object rather to seek the gradual introduction of administrative reforms, than to aim at sweeping changes of principle and of system; of which the necessary effect would be that of unsettling the minds as well of the population generally as of the servants of the Government".¹

The Court of Directors were no less partial to Auckland's style of administration than Melbourne and his amiable disposition and courteous conduct towards them secured their good will even at a time when they profoundly disagreed with the external policy his government was pursuing. The reaction of Benjamin Malkin, Judge of the Supreme Court at Calcutta to the news of Auckland's appointment might well have been what was expected at home from his appointment "I think that things will go at a more cautious pace now that Lord Auckland is here, who I take to be a good man of business".²

With Auckland's arrival at Calcutta in March of 1835 we have the first of three Governors General who came out to India from Cabinet office, from "the Councils of the Queen in the full

¹From Auckland's minute of 4 February 1840 quoted in D.P.Sinha, British Social and Administrative Policy in India During the Administration of Lord Auckland, p.313.

²Macaulay Papers, O 18 M1⁷, Malkin to W.Whewell, 1836.

knowledge of the views and sentiments of her Government". The intimate connection between these men and their colleagues in England introduces a new element into the relationship between the Home and Indian Governments, one which not infrequently renders an effort to attribute the origin of a particular policy to the one or the other somewhat artificial; the frequent occurrence of "coincidences" of thought and action between London and Calcutta, or Bombay, is largely attributable to the shared assumptions and experience of the Ministry and their appointees.

The maintenance of the special relationship between the Minister and the Governor General depended upon a factor which, quantitatively speaking was new, the private correspondence between the two. It is this correspondence, together with the President's communications with the Chairmen¹ which provides us with the clearest idea of the role of the home government in the administration of the Indian empire.

Prior to Auckland's arrival at Calcutta the home authorities were provoked to pull more tightly upon the reins of control and to make more explicit the relationship between the Home and Indian governments because of the embarrassment caused by a number of measures passed in quick succession without the latter having

¹Unfortunately Hobhouse's diaries for the years 1835-41, Add.Mss 56558-64 do not furnish an intimate view of the manner in which policy was formulated. They reflect rather the author's career as member of the Cabinet than as head of the Board, "At the I.B. and the H of C" followed by a description of what went on in Parliament being the usual entry.

sufficiently ascertaining the views of the authorities at home. In February of 1835 Lord William abolished the practice of flogging among the Company's native troops, the following month~~s~~ he took a decisive step in education policy by announcing that funds appropriated by Government would best be employed by exclusively devoting them to the spread of Western science and literature through the medium of the English language. After Bentinck had left, Metcalfe's government passed into law Act XVII of 1835 decreeing a uniform currency for alloo India, and more momentously Act XI, the Press Act, which dispensed with the necessity of obtaining from the Government a license to print.¹ This gained the title of "liberator of the press" for Metcalfe but also the disapproval of the home authorities and the loss of further consideration for high office in India.

It appears likely that the Supreme Government under Bentinck and his interim successor in their haste were apprehensive of the influence which the fall of the Whigs in 1834 would have on Indian legislation, as Macaulay wrote to a friend at home "A Tory Governor General is not very likely to agree with me

¹Macaulay Papers, O-15-1213, Macaulay to E. Ellis, 29 May 1835. See also P.P. 1852-53, XXXII, 6657, for Sir Charles Trevelyan's testimony on the Press Act. "The general impression in India was that it was desirable that Sir Charles Metcalfe ... should take upon himself the responsibility of doing it, than that he should leave it [Sic] to his successor".

about the very important law reforms which I am about to lay before the Council".

At home these measures were keenly felt, not only by the Court and the Board but by the Cabinet and the King as well. The practice of flogging in the King's army was under review by a Royal Commission and in Parliament a Conservative, Lord Hardinge, defended the practice in the face of Radical attack.¹ The beleaguered William IV was particularly upset about Bentinck's measure and demanded at the very least public censure of it. The sudden passage of the currency measure, which after all was the complement to financial centralization, provoked more unease about the state of the military rumours circulating that the native troops had refused to accept payment in the new coin.² While the resolution on education was, with some justification, felt by the Court to be a departure from the, hitherto successful, latitudinarian policy of support for both Eastern and Western studies at the higher levels. However resentment was greatest in the Court over the Press Act which was more objected to than even the unexpected abolition of flogging. They felt, and most of the Cabinet agreed with them, so Hobhouse told Auckland, that

¹Hansard, 3S, XXXII, see 1001 seq, H of C, 13 April 1836.

²Home Misc., 833, 105, Hobhouse to Auckland, 1 April 1836.

such a great change of system was hazardous and unjustifiable and the Chairmen had a despatch prepared ordering the Government of India to recur at once to the former system.¹

Though Hobhouse and the Cabinet quite concurred in the Court's objections to the Press Act the President refused to accept the Directors' draft and instead substituted a strongly worded one of his own which nevertheless left the final decision up to the Supreme Government, that is to Auckland, a course which was followed on the other measures as well for that appeared to Hobhouse and the Cabinet to be the only practicable course with respect both to British² and Indian considerations.

While the Ministry was willing to concede that Auckland would be the best judge of whether or not these enactments should be repealed³ they did not intend that Bentinck's independent style of legislation should characterize that of Lord Auckland. In his first letter to the new Governor General Hobhouse relayed an objection which was as much Melbourne's as his own, namely that "it is extremely unfair upon the home government to rush into these reforms without previous consultation with them. When I say the Home gov't I mean the administration, for it ensures

¹Home Misc., 833, 102, Hobhouse to Auckland, 30 January 1836.

²Upon corporal punishment for example the Ministry wished to give Lord Bentinck's measure as little publicity as possible and therefore Hobhouse had to advise the King that H.M.'s Ministers did not consider the public censure of the Governor General's act advisable. Home Misc., 833, 64, Hobhouse to William IV, 14 March 1836.

³In the event Auckland decided to repeal none of these measures. He

a squabble either with the Court of Directors or with the Parliament, and, in some cases with both". Thus while Hobhouse admitted that the Charter certainly did confer upon the Supreme Government the power of legislating without prior consultation he also observed "yet it is surely most inexpedient to use it, except in cases of emergency".¹ A despatch was therefore sent out which in very severe language instructed the Government of India not to resort to any great administrative or legislative changes without the previous concurrence of the home authorities.²

The importance which Hobhouse placed upon the principle of the despatch of April 1836 emerges from subsequent correspondence upon it between himself and the Governor General. Auckland, as H.M.'s Ministers well knew, was not a man disposed to rash action. While he conceded that the order could be seen as "no unnatural consequence of some of the measures which were apparently adopted with too much independence by my predecessors"

was satisfied that they were generally considered beneficial in India and he told Hobhouse "you may almost adopt it as axiomatic" that it was folly to attempt to reverse measures at almost a year's date from England. Home Misc., 837, 107, 20 June 1836.

¹Home Misc., 833, 103 & 104, Hobhouse to Auckland, 30 January 1836.

²See E/4/747, pp. 742-3, Legislative Despatch to India, 14 April (No. I) 1836.

he was much pained by "The despatch of April last, which seems to call upon the Governor General not to govern, and upon the legislative council not to make laws".¹ But Auckland's temperate protest did not make Hobhouse relent in the slightest, he would, he told the Governor General, "recommend the recall of the best friend I ever had, were he to act in decided and repeated defiance of his masters at home".² The day after Auckland had entered his protest against the order for previous concurrence the Government sent home its letter stating that the home government's directive would be complied with.³

Not only the recent legislation but the part played in it by Macaulay had attracted the notice of the Cabinet and Hobhouse in his letter of 30 January 1836 had added his "earnest entreaties, at Melbourne's desire that you will keep B.M. a little more quiet".⁴ At Calcutta Macaulay had been the embodiment of the reforming spirit of British politics, his legislative minutes echoing the rhetoric of 1832-33. But British politics had moved on since then and the Fourth Member could not now expect the same degree of support he would have had from Charles Grant. On hearing of

¹Home Misc., 837, 169-70, Auckland to Hobhouse, 26 August 1836.

²Home Misc., 837, 173, Hobhouse to Auckland, 26 January 1837.

³E/4/155, Legislative Letter from India, 27 August (No. 10), 1836.

⁴Home Misc., 833, 103, Hobhouse to Auckland, 30 January 1836.

Hobhouse's appointment he had written, in September of 1835 expressing his desire "to interest you in the reforms in which we are now engaged",¹ law reform and native education being uppermost. But Macaulay's request did not result in the establishment of a regular private correspondence with the President and the acquisition of that support from the Minister which he desired. Instead Hobhouse wrote to Auckland "Macaulay writes to me that he hopes to squeeze all the laws of India into a small octavo, and trusts that he will perform this exploit in a year or two", observing "Of his vigour and genius I have no doubt, tho I say to you confidentially, that I entertain some alarm." and adding pointedly "However you will repress his ardour".²

The request that Auckland should keep Macaulay "a little more quiet", should "repress his ardour", conveyed through the medium of private correspondence, was as significant for the course of future legislation as was the 'official' despatch of April 1836. Both were in fact a reflection of the opinions, not merely of Hobhouse and the Court but, of the Ministry itself and of the state of British politics and there could be no doubt in Auckland's mind that a more cautious approach to the internal administration of India, particularly in legislation, was henceforth required.

¹Add.Mss. 47227, f.176, Macaulay to Hobhouse, 14 September 1835.

²Home Misc., 833, 104, Hobhouse to Auckland, 30 January 1836.

Auckland's response to Macaulay corresponded to the views of Melbourne and Hobhouse. Though he declared his "admiratinn" and his "regard" for the Fourth Member, in what can be taken as a prompt response to Hobouse on the whole question of Indian legislation, he conceded that Macaulay's conduct in Council had not always been prudent. This was because Macaulay had been encouraged to act too much alone "by the implicit reliance which my two predecessors placed in him"¹ and as Auckland's statement implied, he would not extend such discretion to his Fourth Member. Rather a modus vivendi was immediately worked out between the two men: "I have yielded to him that it is as well to have no preamble as to say 'whereas it is expedient to enact as in herein after enacted' and he has yielded to me that when the reasons and the circumstances which have led to an enactment are not clear to its readers, they shall be stated in a preface. He has abandoned for me against his opinion, one projected act, that for the appeal to a single judge, because I thought at least it ill timed; and he has acquiesced with me in the propriety in every case of legal importance, of our endeavouring to carry with us the authority of the judges of the Supreme Court".² With the loss to Macaulay of that preponderant authority in Legislation which he had enjoyed

¹Home Misc., 837, 108, Auckland to Hobhouse, 20 June 1836.

²Home Misc., 837, 109, Auckland to Hobhouse, 20 June 1836.

under Bentinck and Metcalfe, as the interpreter of the Act of 1833 was lost for the duration of the Charter because of the comprehensive reform of the administration by systematic legislation which had been provided for during the years of reform triumphant.

The fact that the last triumph of that vigorous controversial style of legislation which was associated in the minds of the home authorities with Macaulay, the so-called Black Act of 1836, occurred at the very commencement of Auckland's administration serves as an illustration of the rapidity and effectiveness with which the wishes of the President and the Ministry, as well as the Court, were imposed upon Indian administration by Lord Auckland and of the importance not only of official correspondence but also of the private letters of Hobhouse to the Governor General in bringing this about. Moreover, the correspondence on this measure provides an additional insight into the influences which were connected with this change.

The draft of the act which was to transfer appellate jurisdiction outside the Presidency towns in civil cases involving European British subjects from the King's to the Company's courts had been discussed in Council and published to ascertain public opinion before Auckland's arrival.¹ The memorial presented

¹See Sinha, pp. 272-3.

against the proposed act had occasioned one of Macaulay's thundering defenses and Auckland on assuming the Government had refused to be dissuaded by the agitation against the bill which passed the Council unanimously as Act XI of 1836.

Initially Hobhouse was quite unequivocal when declaring his support of the measure to Auckland and he was in any case prepared to defend it in the Commons against the petition presented by Joseph Hume in July of 1836.¹ But by the end of the year, when considering the prospect of further Parliamentary pressure against the measure, he wrote to Auckland, "you tell Carnac and me that the unpopularity of the act does not extend beyond Calcutta - that may be so - but the lawyers there keep up a constant correspondence with the lawyers here, and Mr. Hogg has given me notice of uncompromising opposition - I confess I do not see much significance in the change ... generally speaking it certainly would be desirable to take no very decisive step in legislation without previous reference to the home authorities".² Hobhouse's reservations were an indication of the role which the changing temper of British politics was having upon the style of legislation in India for they were motivated not by the reaction in India, nor by the attitude of

¹See Hansard, 3S, XXXV, 194-8, 14 July 1836.

²Home Misc., 837, 117, Hobhouse to Auckland, 15 December 1836.

the Court, who as a body supported the change, but arose primarily because of Parliamentary considerations.

Before the year 1836 was quite out the Law Commission over which Macaulay presided and which was to have enjoyed not only the central place in the elaboration of the general system of police, justice and laws but also in the legislative business of the Supreme Government generally received a major modification of function. Because of the pressure of business upon the Legislative Council and the inability of the Law Commission to deal, not only with its general projects as quickly as expected but also with the numerous special reference made to it, Auckland took the occasion in his minute of 19 December 1836 to recommend that the Government "should exercise more supervision over the Law Commission than it has hitherto done". In order to permit the Commission, weakened as it was by illness, to proceed more quickly with the tasks of codification it should be relieved of those references "which the Council may itself properly dispose of". Further, in future a fuller communication between the Council and the Supreme and Sudder Courts on legislation as well as the Commission was desirable.¹ On the one hand the Law

¹ Add. Mss. 37710, see ff. 9, 13 & 12. Minute of 19 December 1836. Approved by the Home Government, Legislative Despatch to India, 16 August (No. 10) 1837. Was there any significance in the Board's deletion from the Court's draft of the word "great" as applied to the work on which the Commission was engaged? See E/4/752, 258.

Commission was to be relieved of some of its burden so that it could devote itself more fully to the task of codification while on the other Auckland made it clear that he did not wish to accord the same centrality in the general business of law making to the law Commission as had the Charter and the commentary despatch of December 10 1834.

Of the great conception of "a pyramid of codes" which Macaulay had originally believed his term in India would encompass only the Penal Code had gone to press before he left India, while work on the Codes of Criminal and of Civil Procedure had not yet commenced.¹ We have no evidence to show that Melbourne's cabinet in general or Hobhouse in particular were especially concerned to see the radical program of law reform realized. Certainly the choice of a successor to Macaulay did nothing to change the trend away from the earlier conceptions of the function of the Law Commission and the Legislative Member. Despite Auckland's favourable disposition towards C.H.Cameron and Macaulay's request Hobhouse decided that the latter's health was a bar to his appointment and so Andrew Amos was made Fourth Member. It was subsequently remarked of Amos that he 'had shown towards his predecessor a disposition to treat his acts and opinions lightly'.²

¹ See Stokes, pp. 213-4.

² Home Misc., 836, 64, The Chairman, J.L.Lushington to Hobhouse, 20 January 1839. See P.P.1852-53, XXVII, q.2873 for Amos's critical attitude to the purpose of the Law Commission.

It may be remarked that this redefinition of the mode in which the Government of India was expected to carry on its legislation was in large measure due to private correspondence, and necessarily so as regards, for instance, opinion on Macaulay's proper role.

The same influences acting from home upon the conduct of legislation were brought to bear upon educational policy under Auckland. The legislative despatch of April 1836 had condemned the manner if not the content of Bentinck's resolution on native education. The disapproval of Macaulay's conduct conveyed in Hobhouse's letter of 30 January 1836 was reinforced by the President's unwillingness to correspond directly with the Fourth Member on the education question¹ though the latter had written at length upon the subject.² The loss to Macaulay of his paramount position in the counsels of the Governor General was a great blow to those who wished the Government to place a strict construction upon Bentinck's resolution and devote all the available resources to Western education in the English language to the exclusion of any patronage of Oriental literature, that is to the extreme Anglicist position. At the end of 1836 when writing to tell Auckland

¹ Sinha, pp. 5-6, and others have noted the influence of the despatch of April 1836 on Auckland's conduct of educational policy but that of the correspondence on Macaulay has generally received less attention. A recent study, J.L. Hilliker's British Educational Policy in Bengal, 1833-54, London, Ph.D. 1968, p. 139 and n.8 notes Auckland's comments on Macaulay but not the original ones by Hobhouse to which the Governor General's are the response.

² See Add. Mss., 47227, f. 176 seq., 14 September 1835, Macaulay

that he had cancelled the Court's despatch on native education, and so left the question up to the Governor General, Hobhouse took specific objection to the "vehement, argumentative, but I repeat too controversial" language of Macaulay's minute on education.¹ During Auckland's term of office the strength of the extreme anglicists tended to decline² and it was not until the end of 1839, after two of the leading members of this group, Macaulay and Trevelyan, had returned to England that Auckland set forth his views on the future conduct of educational policy.³ While fully endorsing the paramount importance of English education Auckland sought to provide through scholarships and patronage of Oriental literature sufficient support for Eastern education to satisfy interested opinion in India and at home.

The lack of support accorded from home to the prospective provisions of the Charter during the years of Melbourne's second Ministry was particularly apparent over those dealing with the recruitment of the Company's civil servants. Neither Grant nor Ellenborough had given effect to the four fold system of nomination

begins his appeal by conceding "There is another question scarcely less important on which you will probably have to decide in the last resort. I mean the question of native education".

¹ Home Misc., 837, 117-8, Hobhouse to Auckland, 15 December 1836. In the same letter Hobhouse takes exception to the conduct of the leader of the Orientalist party, H.T. Prinsep, especially to his reference to "the conservative portion" of the Committee of Public Instruction.

² Hilliker, p.139.

³ Add. Mss. 37712, f.13 seq. on Education, 24 December 1839. Auckland here asserts that he purposefully "refrained" from recording his sentiments until the Anglicist-Orientalist controversy had subsided.

to Haileybury. Hobhouse when discussing the Government of India's query on the matter with Auckland told him that the Court considered the scheme "impracticable" and confessed that he himself did not "admire" it.¹ Nevertheless in 1836 Hobhouse was unwilling to go to Parliament, and thus "re-open the Charter", in order to give legal sanction to the continuance of the old system. Moreover the four fold system was "the child of Holt Mackenzie" who "has many friends".² The following year however Hobhouse was able to bring forth an act which permitted the suspension of the new system.³ Power was also given to the President to appoint a Board of Examiners for admission to the college, a gesture towards that opinion in the Commons which was critical of Haileybury, "by this scheme I hope to raise the character of the Students, and to be able to save the college"⁴ he told Auckland. The Court who had originally, when faced with the effective loss of their patronage, resolved upon the abolition of their college,

¹ Home Misc., 837, 91, Hobhouse to Auckland, 30 November 1836.

² Home Misc., 837, 120, Hobhouse to Auckland, 15 December 1836.

³ William IV & I Victoria c.70. The reference in Trevelyan's Lord Macaulay quoted in R. Moore's Sir Charles Wood's Indian Policy, p.86, to "backstairs influence in Leadenhall Street" and "backstairs influence in Parliament" tends to obscure the responsibility of the Whig Ministers for the non-implementation of the four fold scheme. Trevelyan's account is of course in the Whig tradition and must be judged as such. Indeed many of the political biographies, memoirs etc. of this period, including some of Indian administrators, are biased.

⁴ Home Misc., 838, 125, Hobhouse to Auckland, 30 August 1837.

now dropped their objections to its continuance.

Hobhouse's efforts over the 87th clause were at least positive but even here they were far removed from a coherent policy towards the provisions of the Charter. When petitioning Parliament against the "Black Act" Joseph Hume had asked "if the 87th clause were to remain a dead letter".¹ The adopted son of Raja Ram Mohun Roy had remained in England after his guardian's death and Hobhouse had given him a temporary post at the Board of Control. The young man had been well received in Whig society² and the Chairman, James Rivett Carnac, had suggested to Hobhouse that a place in the covenanted service might be found for him. The Court as a body however were almost unanimously opposed to the experiment and Auckland, sensitive to opinion within the service in India, did not support the idea. Under these circumstances the President abandoned the project and simply recommended his protégé to Auckland's patronage.³ Hobhouse's efforts had been largely of a personal nature, with stimulus from Parliament, and this was insufficient to carry the scheme when faced with opposition from the Court and the

¹Hansard, 3S, XXXV, 192 & 194-5, 14 July 1836. When preparing his answer to Hume's petition Hobhouse had made the note "I shall regret this very much I have given a writership". See Add. Mss. 36467, f.329.

²See Hobhouse's Recollections, V, p.68.

³Home Misc., 838, 315-16, Hobhouse to Auckland, 9 April 1838.

apprehension of the Governor General.

It is evident that neither the Melbourne Ministry collectively nor the President of the Board individually felt absolutely committed to the realization of the prospective provisions of the Charter either on grounds of principle or of politics. Moreover the support that these reforms could command in Parliament as part of a comprehensive measure which dealt with a commercial question of the first magnitude was not now forthcoming even upon such a presumably popular project as that of depriving the Directors of their patronage. Yet this is not to say that Parliament could not at this time intervene decisively in Indian affairs. In 1838, when the Government's position in the Commons was extremely weak, Parliament effectively dictated the Indian Government's course of action on three notable, and highly emotive, issues.

Grant's despatch of February 1833 calling for the disassociation of the Government of India from the religious practices of the natives had not occasioned any vigorous action on the part of the authorities in India nor had Lord Ellenborough seen fit to call for its implementation. Hobhouse informed Auckland who was considering the matter that the original despatch "was forced upon the Court by Charles Grant who wrote it".¹ The Governor General

¹Home Misc., 837, 118, 15 December 1836.

hoped that the agitation in India to have the despatch, which had become public knowledge, given effect would subside and allow him to deal discreetly with the matter.¹ Unfortunately this did not happen, feeling on the matter reached such a pitch that the Commander in Chief at Madras resigned over the issue. At home where the matter had been widely and vigorously taken up Hobhouse's hand was forced by 1838. The Bishop of London announced in the Lords his intention to call for papers and Asley was known to be preparing to do likewise in the Commons. "As resistance is out of the question" Hobhouse had to tell the Chairman "it will be advisable to yield with a good grace". Sir James Lushington responded that he could "not see how it would be possible to the Court to issue any such instructions as that you have now suggested"² but the Court at length did yield, though with an exceptionally large number of dissentients,³ and sign the despatch on the 3rd of August 1838. As a consequence, though not without further promptings from Parliament, the collection of the pilgrim tax by the Government was abolished throughout Bengal and Agra by Act X of 1840 and other forms of disassociation

¹ Home Misc., 837, 278, Auckland to Hobhouse, 17 November 1836.

² Home Misc., 836, 14, Hobhouse to Lushington, 14 April 1838.
Home Misc., 836, 15, Lushington to Hobhouse, 20 April 1838.

³ B/242, 498 & 507. Dissents of 13 August 1838 signed by ten Directors. For the Despatch on the "Withdrawal of Interference with the Religious Ceremonies of the Natives", see E/4/756, 359 seq., India Revenue Despatch, 8 August (No. 9) of 1838.

from Indian religious practices followed in Madras and Bombay. Despite agreement by the highest authorities at home and in India upon the undesirability of tampering with the accepted relationship between the Government of India and religion in India sustained agitation in both countries proved irresistible when it finally expressed itself through Parliament.

Similarly neither the Government of India nor the home authorities had taken any "imprudent" steps to implement the 88th clause of the Charter which called for the extinction of slavery in India. Rather the matter had been referred to the Law Commission which had been directed to deal with it not as a separate issue but only inasmuch as the future Penal Code should be concerned with it. Hobhouse writing to Auckland in December of 1836 was of the opinion "that the clause might as well have been left out, and the change, if any, left to the discretion of your Government".¹ But as with the pilgrim tax the abolitionists were not prepared to allow such discretion. Hobhouse was questioned in 1836 and again in 1837 on what measures the Government of India had taken to do away with slavery.² In 1838 when the suppression of the last remnant of slavery in the West Indies, the apprenticeship system,

¹ Home Misc., 837, 119, Hobhouse to Auckland, 15 December 1836.

² Hansard, 3S, XXXV, 668, Thomas Fowell Buxton, House of Commons, 29 July 1836. Ibid., XXXVIII, 1853, Buxton, House of Commons, 10 July 1837.

was being debated, and the nation, so Hobhouse told Auckland, was "half mad about slavery" the home authorities were again forced to issue a directive to the Supreme Government. "We could not help ourselves"¹ the President had to tell the Governor General, and though the Court protested against this despatch they likewise signed without rancour what had clearly been forced upon them, not by Hobhouse, but by Parliament.

Also in the year 1838 the "anti-slavery people" and their allies "forced the Court and me [Hobhouse] to send out a despatch to you, ordering you to prohibit by law all contracts and all immigration for the purpose of employing Indian labourers in our colonies".² The emancipation of slaves in British colonies had created a demand for plantation labour which since 1833 had been reflected in the growing number of shiploads of contract labour from India. The Ministry was favourably disposed towards the interests in need of labour; in 1837 an Order in Council was passed enabling the planters in Demerara to import contract labourers. In India the Supreme Government had been called upon to legislate on the conditions of contract and transport of labour and Auckland

¹Home Misc., 838, 493, 1 November 1838. E/4/756, India Legislative Despatch, 29 August (No. 14) 1838, see p.1061, "We desire that the attention of the Law Commission may be immediately recalled to this question". The decisive act on slavery was to be passed in 1843.

and his Council were "much more disposed to discourage than to encourage such an undertaking" as the Order in Council sanctioned. The Court felt that a deposit of 250 Rs. should be paid by the contractors for each labourer to ensure satisfactory treatment while Hobhouse who shared the Colonial Secretary's views felt that a deposit of such a size amounted to a prohibition.¹ In 1838 however it was Parliament's view and not any of these other views, even the Ministry's, which prevailed. Melbourne's Government made another attempt in 1840 to reverse the prohibition, Lord John Russell arguing the administration's case in an increasingly tumultuous sitting.² They were defeated and the matter was left up to the Conservatives who were able, with a stronger majority, in 1842 to pass the necessary legislation.

The major lines for the conduct of Indian financial policy had been set down from home prior to Melbourne's second Ministry. The Whig Ministers continued to insist that British finances should not come to the aid of the Indian and so the Court's proposition that Exchequer bills should be used to guarantee the Company's bonds while the remittable debt was paid off was turned down.³ The dominant aim of Indian financial administration continued

¹Home Misc., 836, 27, Hobhouse to Lushington, 20 July 1838.

²Hansard, 3S, LIV, 1386-8, House of Commons, 22 June 1840.

to be the obtaining of a surplus of revenues over expenditure and the home authorities showed themselves apprehensive of any apparent failure in this direction "Our sketch estimate for 1836 gives a deficiency of £125,000 at the least, and we shall be obliged to send out an admonitory despatch to you. The Court and the Board are agreed in this view so pray be as economical as you can."¹ Continued emphasis had to be placed upon retrenchment according to this view, a reduction in the scale of civil allowances being ordered by the financial despatch of 4th May 1836 despite loud protests from the Court to the effect that Bentinck had already carried such reductions as far as they could reasonably go.²

With the advent of war in 1838 the aim of maintaining a surplus was of course frustrated, Government borrowing at five per cent was commenced and the reduction of the public debt was abandoned. The financial strain of warfare provoked no constructive measures for the reorganization of Indian financial administration, such as were to be undertaken by Auckland's successor, either at the suggestion of the home authorities or on the initiative of the Governor General. In fact the measure taken by Auckland at

¹Home Misc., 837, 341, Hobhouse to Auckland, 10 March 1837.

²See B/242, 143 et seq. Dissent of 17 May 1836. Auckland also protested at length against the despatch of 4 May 1836 but, as with the Directors, to no effect. See Home Misc., 837, 275-7, Auckland to Hobhouse, 17 November 1836.

the very end of his administration, a measure which it seems unlikely he would have ventured to take had his own colleagues been in power, that of suspending all remittances, on the part of the Government,¹ to England was a confession of administrative bankruptcy in the face of the great financial problems which three years of warfare entailed. The Ministry at home for its part gave no thought to a withdrawal from Afghanistan² or a speedy solution of the Chinese war in order to relieve Indian finances, which, as will be shown in the following chapter, Peel's government did.

The Select Committee's Report of 1832 had envisaged a general reform of the Indian fiscal system, something which was more an expression of the aspirations of the free traders than of the realities of the Indian situation. Indeed the increased pressure on the Indian revenues imposed firstly the loss of the proceeds from the China trade and later by the burdens of an active foreign policy combined with the lack of alternative sources of income to make any large surrender of revenue such as would be involved in the abolition of the salt or opium

¹ See E.P. 42, Lord Fitzgerald, President of the Board of Control, to Ellenborough, the Governor General, 4 April 1842. "It is unnecessary that I should describe to you how embarrassing has been the position in which the Court has been placed by the course suddenly taken in India, for suspending all remittances to England. Lord Auckland seems to think lightly of intercepting the supplies of the Home Treasury and advises with ready facility, the raising of three or four millions in England by loan."

² Referring to the burdens of increased military charge the Financial

monopolies an impossibility.¹ Nevertheless, if overall reform was not possible, action in those areas where no great surrender of revenue was required was not and Auckland's concern for the promotion of Indian commerce, his efforts to remove obstacles to its expansion, reflected that increasing attachment to a liberal economic policy which characterized the Whig Ministries of the 1830s. Auckland's experience at the Board of Trade equipped him admirably for reforming the customs duties of Bengal, a task which he took up immediately upon his arrival. The duties "must necessarily be low" he told Hobhouse "For imports the country is poor, and cannot pay high duties; for exports, industry is in its infancy, and it ought not to be checked".² Over the transit duties Auckland felt "my administration will have been far from worthless ... if without serious embarrassment I can only effect their total abolition throughout the empire".³ In Bengal

Despatch to India of 23 May (No. 13) 1841 observes "no relief of importance can therefore be expected under this head for some time to come at least" and it rather inconsequently goes on "but we rely with confidence upon your utmost exertions to carry into effect the retrenchments of civil charge which we have pointed out or which may further be found practicable ..." E/4/766 579.

¹In response to Parliamentary representations a Select Committee on the Salt Monopoly was appointed in 1836. The only change effected as a result was the substitution of the sale of Government salt at a fixed price for that by auction. See P.P. 1852-53, XXVIII, 5347.

²Home Misc., 833, 111, 12 April 1836.

³Home Misc., 837, 318-19, Auckland to the Chairman, 20 September 1836.

these duties were abolished in 1836 and in 1838 Auckland and Sir Robert Grant had the pleasure of seeing them dispensed with in Bombay though in the relatively poor Presidency of Madras the reform had to wait until after the Afghan War. Elsewhere Auckland's administration was remarkable for the amount of legislation on trade and navigation, almost half the number of acts passed in the years 1834-52 being effected at this time.¹ At home rather patchy progress was made by Melbourne's government in lowering the duties on Indian produce, the equalization of the duties on East and West Indian sugar in 1836 being the most conspicuous success. A thorough reorganization of the British tariff along free trade lines however had to await the event of Peel's second Ministry.

In the external policy pursued during Auckland's time, which was to make a mockery of the efforts to balance revenues with expenditure and to render the Indian Government impotent to further reform the fiscal system, the links between the policy pursued by the Whig administration at home and that of the Indian government are particularly striking. This is especially true in the case of finance. Peel was later to remind the Whigs in Opposition

¹ See P.P. 1852, X, Appendix, p.353. In 1838 alone laws were passed on banking, on the registration of native shipping, of wills of persons in India, and for the incorporation of the Bengal Bonded Warehouse Association among other subjects. Encouragement was also given during Auckland's period to the experimental growing of Assam tea and of cotton.

"that Indian finance had followed the course of the finances at home"¹ and to point out how much this result was due to a vigorous external policy.² While it is true that the paramount cause of this embarrassment in India was the burden of the Afghan War, that imposed by India's role as banker to the British Government for the prosecution of the war in China was an important contributory cause. Moreover there were a variety of other operations, which, though none of them individually would have imposed any great strain, are important nevertheless for their range and for the connection which they show between British foreign policy and finance under the Whigs and the administration of India.

Taken together the extent of these operations is truly remarkable: the Government of India at one time or another during Auckland's administration was engaged in activities over a vast area stretching from the East Coast of Africa to the China seas. The Euphrates expedition, the maintenance of a flotilla in the Persian Gulf, the occupation of Aden in 1839 and of Karrak in the same year, the maintenance of diplomatic representation in Persia

¹Hansard, 3S, LXI, 1177-78, Sir Robert Peel, 23 March 1842, House of Commons. "that in 1836 you began with a great surplus [the budget of 1835 had been Peel's]; that in 1841 you had a great deficit; that in 1836 you found a surplus of 1,500,000 £ at least ... by 1841, a deficit of 2,400,000 £; that the Indian Government were now raising 2,000,000 at 5 per cent."

²ibid., 1180.

and the Gulf states, the despatch of missions or agents to Central Asia and even to the kingdom of Shoa in Abyssinia were all undertaken at Indian expense. In 1838 the Government of India became involved in war in Afghanistan, and in the following year in a war with China while hostilities with the neighbouring states of Nepal, Burma and the Punjab were seriously discussed in the private correspondence between the President and the Governor General.

The connection between the Foreign and Financial policy of the Whig Government in England and that of India is most clearly apparent in the case of the war with China. Here Auckland was first informed privately of the Cabinet's decision to open hostilities with the Chinese Empire, and subsequently, to exert himself to the fullest extent to insure that H.M.'s instructions to Rear Admiral Sir Frederick Maitland were carried into effect.¹ This meant that India had to advance a large part of the resources for the conduct of the war, it being intended that China, when defeated, should repay the outlay by way of an indemnity. In telling Auckland of the proposed method of reimbursement Hobhouse had to add that Baring would not consent to burden his budget for the year 1840 by more than £100,000.² That is to say that for a

¹Home Misc., 839, 226, Hobhouse to Auckland, 16 October 1839.

²L/P&S/5/549 Secret Despatch of 4 November 1839.

war decided upon by his own Whig Cabinet the Chancellor of the Exchequer, already struggling under a crushing budgetary deficit, required, with what appears to be Whig self-righteousness, that for any expenditure over and above £100,000 India should be called upon to make the necessary advance.

In the links between the foreign policy of Britain and the Government of India there were obviously a number parliamentary, strategic, diplomatic. But as in the case of the China War, the most powerful - and to this the parliamentary is closely related - was the financial. Thus in order to continue the Euphrates expedition, finally abandoned in 1837, Hobhouse had to turn to the Company for additional support for a policy which though it had immediate reference to the ambitious designs of the Pasha of Egypt "ultimately", so Hobhouse frankly averred, regarded those of the Emperor of Russia.¹ Moreover, since the subterfuge of using Indian and British money for the pursuit of an essentially political objective still left Parliament's original intention of providing for a steam connection with India unfulfilled, Hobhouse turned for a second time to the Company and attempted to have it put up the whole amount required for a line east of Suez.² The conversion

¹ Home Misc., 833, 38, Hobhouse to W.S. Clarke and J.R. Carnac, 13 February 1836.

² Home Misc., 835, 30, Hobhouse to Carnac, 21 June 1836. The Company however held fast to the principle of an equal division of costs and this was the basis for the agreement reached in 1837. See Home Misc., 838, 11, Hobhouse to Auckland, 1 April 1837 "the assent of the Court was handed to me today".

of the Indian navy into a steam flotilla and its use in the Persian Gulf and the Red Sea can be seen as largely adjunct to Palmerston's active policy in the Middle East, his resistance to the advance of Mehmet Ali in these regions.¹ Something of the torturousness of the attempt to impose Ministerial policies on an unwilling Direction which regarded itself as the guardian of the Indian finances is apparent from Hobhouse's letter to the commander of the Mesopotamian squadron: "I will do what I can to prevent the little squadron being subject to any orders that may tend to embarrass the service. But it is not easy to remove entirely the control of the Indian governments from the operations of the Mesopotamian steamers, and even the Court of Directors would perhaps be jealous of such interference."²

Whatever the arguments put forth in defense of charging these numerous operations to the Indian finances, and a number of arguments were put forth, the determining factor in so doing seems to have been the inability or the unwillingness of the Whigs to obtain the necessary funds from Parliament. The costs of the Persian Mission had of course long been borne by India but

¹In the beginning of 1835 the number of steam vessels in India was eleven, six sea vessels and five river craft. By the end of Hobhouse's first term in office that number had been increased to thirty one, fourteen sea vessels, thirteen for river service and four fit for service on both. The Indian navy was used in the China campaign, and in the occupation of Karrak and Aden among numerous other duties, many of which were also auxilliary to Palmerston's foreign policy. See L/P&S/3/10, p851, Memorandum of Thomas Love Peacock, August 1841.

²Home Misc., 839, 243, Hobhouse to Colonel Taylor, 4 December 1839.

when Palmerston proposed to Hobhouse a project by which the Company should contribute £30,000 a year to enable an efficient military force along Western lines to be organized in Persia he frankly stated his unwillingness to apply to Parliament for it, one consideration being that "for such a vote the reasons on account of which it would be proposed must be stated in detail".¹ Similarly M.E.Yapp finds in the Cabinet's decision, when faced with the Shah's advance on Herat, to recommend that the Governor General should take in Afghanistan rather than Persia the possibility that they were motivated in part by the view that action in Persia might entail a charge upon Great Britain.² But aside from the major crises involving Mehmet Ali or the Shah, even the payment by India for the mission to Shoa, or the proposal that she should assume the burden of founding a naval base on the Western side of the Red Sea so as to forestall the French³ must be seen as the result of the chronic state of British finances in the latter years of Melbourne's Ministry and of the disinclination of the Ministry to approach Parliament for further support for Palmerston's policy, a policy which was itself responsible so largely for these financial difficulties.

¹Home Misc., 833, 186-87, Palmerston to Hobhouse, 23 May 1836.

²Yapp, p.227.

³To the President's preliminary enquiries, the Chairman responded "Mr. Bayley can scarcely venture to offer any opinion upon the subject further than to suggest that the Eastern Coast of Africa

The view that emerges of the connection between the liberal foreign policy of Lord Palmerston and the Whigs and the state of British and Indian finances, with all its repercussions on other branches of administration, is admittedly an unfavourable one. Nevertheless it is the view taken by Sir Robert Peel at the time and that which Peel's greatest pupil in the field of financial administration took into the politics of the second half of the nineteenth century.¹ During the debates on the India Bill of 1858 it was Gladstone who procured the introduction of a clause which prohibited the use of the Indian army outside India without the permission of Parliament, to provide, as he said privately, "standing-ground from which a control might be exercised on future Palmerstons".²

In two areas connected with finance and foreign policy Auckland, notwithstanding his declared preference for caution and the "gradual" introduction of changes, was primarily responsible, along with Hobhouse, for the pursuance of policies which had a great and unsettling effect on Indian society, namely those on the resumption of rent free tenure and towards the native states.

would seem to be rather beyond the sphere of the Indian government; and that the objections which have already been taken to the occupancy of Aden might apply with, at least, equal force, to any attempt at forming a settlement in Africa". Home Misc., 836, 143, W.B. Bayley to Hobhouse, 1 July 1840. The Court had objected to the occupation of Aden but as instructions dealing with the subject were sent out through the Secret Committee they were not a party to it.

¹ See M.R.D. Foot and J.L. Hammond, Gladstone and Liberalism, p.77.

² For Gladstone's development of this theme at the time of the second Afghan War, see below, p. 253

Little improvement in the revenue from sources other than the land could be depended upon during Auckland's administration and indeed throughout the years under review. It was from the land, by increased collections of revenue, by the Government's resumption of rent free and other tenures, and by the addition of new territories that the largest part of the increase came.¹ On the progress of resumption policy in particular it appears possible to indicate something of the importance of the relationship between Hobhouse and Auckland especially of the importance of their private correspondence.

Auckland's administration saw a virtual revolution in the application of resumption proceedings, with his arrival "resumption which had moved at a snail's pace under Bentinck, began almost to gallop".² Under Auckland "views which had remained dormant in the past few years began to reassert themselves... A change of personality at the helm of affairs in India and also at the Board of Control seems to have given them the necessary opportunity".³ The Court as a body were opposed to this policy

¹J. C. Melvill gave the improvement in revenue between 1833/34 and 1850/51 as £7,519,716 of which £4,288,963 came from the land, see P.P. 1852-53, XXVIII, 8198-9. Opium, the other source of considerable increase, was always a fluctuating and uncertain quantity particularly in Auckland's time when war actually broke out with China, the largest consumer of Indian opium.

²A.M. Wahiduzzaman, Land Resumption in Bengal, 1819-46, London, Ph.D., 1968, p.286.

³Wahiduzzaman, p.210.

and they sent out a number of despatches voicing their displeasure with and opposition to it. Moreover various revenue officers and even members of Auckland's Council expressed disquiet and compromise schemes were proposed to lessen the harshness of the proceedings. Nevertheless resumption was persisted in without let-up until almost the end of Auckland's administration.¹

The question arises how it was that Auckland was able to disregard the official correspondence on resumption proceedings, particularly in view of his compliance with the warning issued over the style of legislation which was expected and also as regards his general desire to act in conformity with the wishes of the home authorities particularly as regards revenue matters.² The answer seems to emerge not from any particular official despatch but rather from the whole context of the private correspondence of the Governor General with the President of the Board. From 1836 onwards if not before Hobhouse was fully cognizant of the policy which would be pursued under Auckland: "The population will

¹See *ibid.*, pp. 226-7.

²H. Prinsep, Three Generations, pp. 234-5, referring to Auckland's hesitating adoption of a financial measure, which he suggested to the Governor General, draws a picture of the latter's almost abject "anxiety as to the judgement that would be passed upon it by the authorities in England."

long feel uneasiness within the border of the perpetual settlement under the necessary operation of the resumption laws ... and I am most anxious in some districts, by a temporary increase of establishment to advance our proceedings".¹ For his part Hobhouse never questioned the propriety of the proceedings notwithstanding the official despatches and only sounded a cautionary note when the matter was raised in Parliament,² by which time the bulk of resumptions had been got through. If then Auckland's policy on resumptions did constitute a major departure from previous administrative practice he was clearly disobeying the order on "previous concurrence" of the legislative despatch of April 14 1836 unless that order be taken to mean Hobhouse's concurrence alone.³

¹Home Misc., 837, 168, Auckland to Hobhouse, 26 August 1836. With respect to political "principle" it is significant that as a partial justification Auckland proceeds to use the Radical argument "we are endeavouring however to lighten the effect of these in favour of the ancient occupier against the zamindari legal claimant". Moore, p.180, in the section dealing with lands tenures and revenue settlement, refers to Sir Charles Wood's "Whiggish conviction of the importance of the landlord class in society". Assuming that Auckland as a Whig shared this conviction the principle can be seen to have carried no weight with him over the resumption proceedings.

²See Wahiduzzaman, pp. 439 & 445. Regarding his tacit agreement with Auckland's policy it is significant that Hobhouse supported him over the need for "a temporary increase of establishment to advance our proceedings", see Home Misc., 838, 4, Hobhouse to Auckland, 29 March 1837.

³Over the related question of the revenue settlement of the Ceded and Conquered Territories this seems to have been somewhat the case, for Hobhouse told Auckland "It is probable that the majority

Some of the features that are characteristic of the course of resumption policy during Auckland's time are also apparent in the conduct of policy towards the native states. Foremost is the complementary character of the convictions of the Governor General and the President of the Board in the pursuit of a fundamentally interventionist policy. The difference of views between Grant and his Board on the one hand and Lord William Bentinck and the Court on the other had prevented the inauguration of any very vigorous policy, particularly towards Oudh, under the previous Whig government. It was during Auckland's administration that the necessary conjunction occurred, that the policy which was to emerge as a frankly annexationist one in the time of Lord Dalhousie first manifested itself.

It is apparent from Hobhouse's margin notes upon the drafts and pre-coms in the political department¹ that months before Auckland ever set foot in India the President had begun to express himself most forcefully in favour of intervention. In September 1835, for example, Hobhouse noted on a memorandum upon the tributary states of Rajputana, "my conviction is that sooner or later all these states must be subjected to British authority".²

of the Court will disagree with me - and that I shall be obliged to have recourse to the legal powers of the Board, in order to send out such a despatch, as will, I think meet with your views... I think it is very probable that by the time you receive our despatch you will have taken some decisive step - So much the better if that step be in the right direction." Home Misc., 837, 262, 25 February 1837.

¹ Unhappily this set, L/P&S/2/3 seq., is unique for our period because those in other departments were disposed of when the Government was

Even earlier he had expressed himself against the apparently successful "experiment" of subjecting the son of the deposed Rajah of Cutch to the tutelage of the Resident, the type of approach which Bentinck had favoured: "If Colonel Pottinger had been a different man the result might have been different"¹ Hobhouse remarked negatively. Elsewhere he entirely agrees with the opinion of a clerk of the Board that allowing the new Nizam to assume the whole civil administration of his state, Hyderabad, was premature,² a view which the Court had successfully contested in 1831.

The results of the newstate of things were not immediate. In his first letter from India Auckland observed that "Oude is very much as it was" but he added "it would seem but ill to accord with the present just and moderate policy of India, sooner to interfere with a stronger hand than that which is now held over him".³ Later that year he assured the Chairman that the Home Government's orders of March 1836, confirming the extension of a further trial to the King would be "followed almost to

transferred to the Crown in 1858.

²L/P&S/2/67, Note enclosure prior to page one.

¹L/P&S/2/65, Note enclosed prior to page one.

²L/P&S/2/65, Note enclosed between pp. 606 and 607.

the letter".¹ However the death of the King in the following year provided the opportunity for the pursuit of a distinctly different approach, one which raises the question of whether Auckland had a preconceived view on policy towards Oudh. The Resident, Colonel Low, was able to place before the heir a treaty which provided for the assumption of the administration of any province in the event of flagrant misgovernment and, what was a new departure, the disbanding of the present army and the substitution of a force commanded by British officers: "you may think I have done too little" wrote Auckland to Hobhouse, "but it is more than some here have thought right";² apparently Auckland was aware of Hobhouse's general views on the native states though neither the private nor the official correspondence is sufficient in itself to establish this. Notwithstanding the fact that Hobhouse was initially "as I told you, obliged to approve" of the treaty the unanimous opposition of the Court, and quite possibly an apprehension that the case would be taken up in Parliament,³ obliged Hobhouse to agree to its cancellation, although this was to be left "to yourself [Auckland], to be announced to the King of Oude

¹Home Misc., 837, 321, Auckland to Carnac, 20 September 1836.

²Home Misc., 841, 112, Auckland to Hobhouse, 16 December 1837.

³See Hansard, 3S, XXXIV, 132, House of Commons, 10 July 1838 and ibid., 1006-7, House of Lords, 6 August 1838.

in such a way as will maintain unimpaired your influence and authority with him".¹

But though checked over Oudh, the process of intervention was soon to find expression elsewhere. The advent of war in 1838 with the consequent increase in political activity provided the necessary stimulus and with respect to opinion in England, so Hobhouse judged, the necessary freedom of action. Writing on the states of Baroda and Satara Hobhouse told Auckland "As for the Guicower I agree with you and so does Carnac; his day of indulgence is fast passing away. I may say the same for the Raja of Sattarah. The present crisis will permit of a decided course of policy which would be inexpedient in quiet times".² Events proceeded apace, the Raja of Satara, who was implicated in a wild plot to overthrow British rule in India was deposed as was, though on more substantial evidence, the Raja of Kurnaul. Contrary to Hobhouse's expectations interested opinion in England did become sufficiently aroused to pose problems for the

¹Home Misc., 838, 317-8, Hobhouse to Auckland, 14 April 1838.

²Home Misc., 839, 59, Hobhouse to Auckland, 26 December 1838. It appears from the correspondence of Auckland's secretary, John Colvin, with the political agents at the native courts, see. Add. Mss. 37694, as well as the Governor General's own correspondence with Hobhouse that a similar process to that which was taking place with respect to resumption policy occurred here, namely, that those agents, Sutherland, Low, Fraser, Wilkinson, Hodgson and others who were markedly interventionist in their views were the ones whose opinions appear to have enjoyed the greatest weight at this time. That this was so appears quite clearly from the reaction which occurred during Ellenborough's administration, 1842-44.

President of the Board. Hobhouse had to caution Auckland about the intensity of the proceedings, particularly those of the Madras Government: "They are going to work with a good deal of what is called 'vigour' and I now find that they have very nearly resolved upon dethroning the nabob of Kurnaul - about the same time that this had been in agitation His Highness of Sattarah has lost his guddee, and Maun Singh appears likely to undergo the same fate; and perhaps the Guicower will follow - each of the dethroned princes will have Vakeels in England, and I shall have to fight the battle of the deponents in Parliament, I therefore hope that you will be a little more cautious in adopting such measures, and if you do adopt them at least send me over a defensible brief."¹ The activities of Joseph Hume, Lord Brougham and others rather than any reservations pertaining to the Indian situation, or for that matter the resistance of the Court which in these later cases never matched their opposition over the Oudh Treaty,² was clearly the President's main worry here.

¹Home Misc., 839, 221, Hobhouse to Auckland, 4 November 1839.

²See B/243, 71-9, 224 and 234. Dissents of April 1840 and April 1841. However over the question of resuming the Rohilla Jagheers in the North Western Provinces strong representations from the Court, particularly from Neil Benjamin Edmonstone, succeeded in preventing the realization of what Tucker for one considered a very dangerous measure. See L/P&S/2/89, letter between pp. 147 and 147A. But whatever the success or failure of the Court in impeding this process of intervention Tucker was sufficiently alarmed about the resumption proceedings and those against the native rulers to write in 1842, against the background of the Afghan War a long letter to the new Governor General about the internal security of the Indian empire which he felt was far from satisfactory. See E.P.71, Tucker to Ellenborough, 18 March 1842.

In addition to this marked increase in intervention a step was taken, in 1840, of large significance for the development of policy towards the native states. This was the annexation of the petty Mahratta state of Colaba near Bombay. The moderate tone of Auckland's minute on the subject does not obscure the radical nature of this assertion of the Government's interest in an annexationist policy and it makes clear Auckland's primary responsibility for the measure: "in cases where we are not opposed by strong particular considerations I would not renounce in regard to such states the claims of the Government ... The Government of Bombay [Then under the ex Director J.R.Carnac] would maintain the independence of Petty States, and so would I where to interfere with it would have the character of harshness... but otherwise I must assert that for the general good of the empire, and for the general good of the population which inhabit them, I would rather see such states under our own rule than that of their own chieftans".¹ It was at this time that Sir Charles Trevelyan made his statement before a Parliamentary committee about the financial advantages of bringing the "whole of India under our direct administration", one of which was a large annual surplus to be laid out in making roads, bridges, penitentiaries, and public works of every description, and in educating the people".² Supporters

¹ Add.Mss. 37713, f.17, Undated Minute, about August 1840.

² P.P.1840, VIII, 1894-5.

of annexation, as was the case with resumption, were frequently found in the camp of those who to a greater or lesser degree argued for unity of administration as securing the greatest public good, i.e. the Utilitarian argument. Such an argument coincided admirably with the real needs of the Government of India during a Whig administration. It can be argued that the Charter Act, as a Whig measure, had greatly increased the need for alternate sources of revenue particularly in the minds of those who were associated with that act and that resumptions and annexations may have, to some extent, seemed to supply part of the answer. Many years later an ex-political agent, General Briggs, was to write "I have good reason to believe that in Lord Auckland's time, long before the appointment of Lord Dalhousie, there was a conclave of Whig Ministers and magnates at Lord Lansdowne's place, Bowood, to discuss the policy of upholding or absorbing the Native States, and it was decided that we should avail ourselves of all opportunities of adding to our territories and revenues at the expense of our allies and the stipendary princes".¹ It is not possible from our sources to say whether such a formal decision was ever taken but it is evident that this lifelong critic of annexation clearly associated an annexationist policy with the Ministers of a particular party.

¹T.E.Bell, Memoirs of General Briggs, p.277, Letter of 8 May 1872.

This chapter has been concerned in particular with the relationship between Lord Auckland's administration and the Ministry at home. A connection has emerged most clearly in the field of foreign affairs where to a considerable extent India's efforts were subsidiary to those of the British Government. This relationship may seem less evident elsewhere, aside from the effect the financial consequences of an active foreign policy had on every branch of the administration. However the legislative despatch of April 1836 and the related private correspondence were largely an assertion that the legislative style current at the time of the Great Reform Bill, the style which Macaulay had hitherto embodied at Calcutta, was no longer desired by the Ministry, for British as much as for Indian reasons. Moreover upon the 'Black Act', the pilgrim tax, slavery, coolie emigration and a number of other questions the tone and content of Hobhouse's private correspondence reflected the impact of British politics and the strength of the Ministry at the time. Less easy to define has been the effect of political 'principles'. Certainly Auckland's conduct over resumption policy and that towards the native states suggests that his moderation on legislative matters and education may have been more pragmatic, more the result of his private correspondence with Hobhouse, than the result of the tenets of a moderate Whig. Among other things the following chapter, providing as it does the contrast of the

administration of India during Peel's second Ministry, will make possible a clearer deliniation and evaluation of Whig and Conservative principles.

Chapter Five

PEACE AND CONSOLIDATION, THE CONSERVATIVE
ALTERNATIVE DURING THE MINISTRY
OF SIR ROBERT PEEL, 1841-46

The administration of India during the years 1841-46, those of Sir Robert Peel's second Ministry, affords the opportunity, crucial for this study, of observing and analyzing the formation of Indian policy during an extremely important period of Conservative government in Britain and contrasting it with what had occurred under the Whigs. How much did the change from Whig to Conservative Government at home affect the conduct of foreign and financial policy, that towards the native states or upon law reform? If there was a change in the style and content of Indian government how much was this due to Conservative, as opposed to Whig or Radical principles of Government, how much to personalities?

Sir Robert Peel's party had won a solid victory in the June-July elections of 1841 and the energy with which his Government embarked upon its administration contrasted sharply with the feeble character of the last years of Lord Melbourne's Ministry. The pragmatic program of conservative reform, the answer put forth by Peel and his followers to the problems of change in post-Reform Britain,

had begun to emerge during his first Ministry, had been matured during the long years of Opposition, and was now to be implemented by the most talented Ministry of the century. The greatest of Peel's disciples was to characterize this policy as one of "peace abroad, of economy, of steady resistance to abuses, and promotion of practical reform at home; with a disinclination to questions of organic change gratuitously raised".¹ Peace abroad and economy were the foundations upon which the great fiscal reforms of this Government were to be based and for the success of Peel's administration it was as essential that there should be peace in Asia as in America or Europe. Writing to H. Goulbourn, Peel's Chancellor of the Exchequer, J.C. Herries uses the language of practical politics in presenting the relationship "The very unpalatable burthen of an income tax is now to be laid on property in England and Scotland to the extent of 3 per cent; but no man can shut his eyes to the probability that a further sacrifice in the same direction may hereafter (and perhaps speedily) be required. The present appearance of Public Affairs in Europe in America and in India are sufficiently menacing to warrant anxiety on that point."² The consequences of

¹C.S.Parker, Sir James Graham, 2, p.296, Gladstone to Graham, 2 December 1856.

²Add. Mss. 40443, f. 144, Herries to Goulbourn, 7 March 1842.

this view, held by Peel and his Cabinet, for the conduct of Indian administration were to be immense both during this administration and because Gladstone would carry them into the second half of the nineteenth century.¹

It is almost with a sense of relief that we turn from the papers of Hobouse^h to those of Peel and his Ministers. In these latter the role of the Cabinet in the major decisions affecting Indian policy emerges unambiguously. When in early 1843 the Prime Minister was to assure a harassed President of the Board, who took office after Ellenborough's departure for India, that "Everything you have done, has been done with the full sanction and authority of the whole Cabinet"² he was simply stating the truth: Peel dominated the Cabinet and was in constant correspondence with every member of it; there was no question of a Palmerston or a Russell going his own way. Consistent with this frank acknowledgement of his Ministry's responsibility for the conduct of the Indian administration is the fact that Peel spoke more frequently on Indian matters than any of his Ministers, more than any other Prime Minister during our period.

¹See below, p. 153

²Add. Mss. 40463, f.24, Peel to W. Vesey Fitzgerald, 12 January 1843.

Considering the state of Indian affairs, finance and foreign policy, it appeared essential to the Prime Minister that the man chosen for the Governor Generalship should go out "from the Councils of the Queen" and in full knowledge of the views and sentiments of Her Government".¹ Ellenborough who had taken up his old post at the Board in September of 1841 was considered by both Peel and Wellington as the most capable man, not already charged with more important duties. Peel noted Ellenborough's tendency towards "precipitation and over activity" but supposed that his "very good and steady advisors", the Supreme Government, would check this. Wellington's observation that the Government of India is "the will of the Governor General declared in Council" was closer the truth but his judgement that they could rely on Ellenborough's "sound sense and direction"² in the position of supreme command was perhaps tempered by the old soldier's close association with Lord Ellenborough.³ The story of Ellenborough's vigorous conduct of his administration,

¹ Add. Mss. 40471, f. 37, Note by Peel, 9 October 1841.

² See Add. Mss. 40459, f. 48, Peel to Wellington, 6 October 1841; f. 50, Wellington to Peel, 7 October 1841.

³ Ellenborough on the other hand was not particularly close to Peel who had established his leadership of the party subsequent to his association with Ellenborough. Moreover the latter regarded Wellington rather than Peel as his mentor.

of his clash with the home authorities and his subsequent recall provides a measure of the discretion enjoyed by the Governor General both as regards the content and the style of his administration.

The reaction by the body of Directors to the Conservative victory was one of utter relief that the control of Indian affairs had passed from the hands of the Whigs. Tucker wrote to Ellenborough immediately, rejoicing at this "glorious triumph of principle and patriotism" terming it second only to the "immortal victory of Waterloo in its influence on the destinies of this Empire and indeed the civilized world".¹ Sir James Law Lushington whose relations with Hobhouse had been quite cordial nevertheless saw fit, as the Chairman once again, to congratulate Ellenborough on his return to the Board "and also upon the happy change that has taken place in the Government generally".² Ellenborough went out to India enjoying a fund of goodwill at the India House, "I rejoice that India is in such hands at this crisis"³ William Astell, senior Director and therefore almost constant member of the Secret Committee, wrote to Sir Robert Peel.⁴

¹ Add. Mss. 40471, f.11, Tucker to Ellenborough, c. August 1841.

² Add. Mss. 40471, f.18, Lushington to Ellenborough, 3 September 1841.

³ Add. Mss. 40507, f.191, Astell to Peel, 3 May 1841.

⁴ The bias in the Court at this time towards the Conservative Ministry is also attested by the fact that five Directors namely John Lyall, J.W.Hogg, John Masterman, Patrick Vans Agnew, and Hugh Lindsay sat as Conservative M.P.s.

Astell is listed as a Protectionist but not one Director sat as a Whig M.P. at this time.

Before Ellenborough left for India, months before the news of the disastrous retreat from Cabul reached England, the Ministry embarked upon that policy whose object was to secure peace in Asia as soon as possible. Plans were laid for the maximum exertion to be made to "terminate the Chinese War in 1842".¹ A Secret Despatch was sent to the Government of India ordering a halt to the advance on Herat, decided upon by Palmerston and Hobhouse, if that operation had not already commenced.² Even more important there were frank exchanges of views between Lord Aberdeen, and other Conservative Ministers, and Baron Brunnow the Russian Ambassador. As a result Brunnow in his report of 19 November 1841 was able to inform his chief, Count Nesselrode, that it was the intention of the present British Government to withdraw its forces as soon as possible from across the Indus.³ Thus, after Ellenborough had in October of 1842 proclaimed his "pacific and conservative" policy in retiring from Afghanistan, Brunnow was able to inform Nesselrode that this manifesto

¹See Add. Mss. 40471, f. 33, Ellenborough to Peel, 4 October 1841.

²L/P&S/5/576, p.188, Secret Despatch of 4 September 1841.

³Reference to this report is found in the "Copie du Dépêche du Baron Brunnow au Comte de Nesselrode" of the 30 November 1842 enclosed in Brunnow's letter to Ellenborough of 2 January 1843, E.P. 37. On this and supporting evidence, see Add. Mss. 43198, f. 26, Ellenborough to Aberdeen, 6 October 1841, we are forced to contest Dr. Yapp's statement, *op.cit.*, p.421, that "Ellenborough was committed to no policy on his arrival in India" and to his contention that the Peel Government had no "constructive policy" on Afghanistan, see p.428.

realized "la sage intention que Sir Robert Peel ainsi que Lord Aberdeen m'avoient indiquées d'avance et que Lord Ellenborough m'avoit confiées lui-même à la veille de se rendre à sa destination".¹

The major objectives of Indian foreign policy had, then, been fixed before Ellenborough left England. Moreover while the immediate conduct of the war in Afghanistan, and that in China, had of necessity to be left to Ellenborough it is equally true that the letters from the Prime Minister and his colleagues constantly reiterated the general position originally decided upon by the Cabinet. Thus when commenting on the disaster at Cabul Peel assured Ellenborough that the Government was fully sensible to the necessity of extending him "full liberty of action" he also added, "It will probably be necessary to take some decisive measures for the purpose of retrieving our Military credit ... But we shall lose nothing ultimately by acting cautiously and deliberately by securing ourselves against the risk of even greater disasters in Hindoostan".² Similarly with respect to China Fitzgerald in his first letter to Ellenborough wrote that the Cabinet were "looking anxiously for news from China; but I expect no results ... until you have directed the operations which were decided on when you were here in England". At the same time Fitzgerald expressed the hope "that some of your embarrassments will be

¹"Copie du Dépêche", op.cit.

²Add. Mss. 40471, f. 179, 6 April 1842.

diminished by the completion of the Persian Treaty¹ which had been discussed between the Cabinet and the Russian ambassador when Ellenborough was still at the Board.

The coming to power in England of a Conservative Government in 1841 can now be seen to have had a crucial effect on the conduct of Indian foreign policy. The relatively small repercussions on Indian administration which resulted from the difference of approach between Whig and Conservative to British foreign policy in the immediate post charter period were thus indications of a difference the result of which for India was enormous.

The results of the "pacific and conservative" policy pursued during the years of Peel's second Ministry are best given in the words of those whose efforts it superseded. Hobhouse writing to Palmerston after their return to office in 1846 observed that the general course of action in all that regarded the "Westward policy" of the Government of India had been entirely changed: "Our former operations on the Mesopotamian rivers had all been given up, and the last steamer sent back to Bombay. Baghdad had been entirely left to its fate; the little squadron in the Persian Gulf reduced to one brig, or no pennant at all; the expedition to Abyssinia [Shoa] and the project for founding a station on the Western mouth of the Red Sea altogether abandoned.

¹E.P. 42, Fitzgerald to Ellenborough, 4 January 1842.

And these submissions together with the restoration of Dost Mohammad of Cabul had given a new character to the policy of Great Britain in Central Asia. The conquest and annexation of Scinde might have done something in the old direction, but this measure was notoriously disapproved of by the Home Government".¹ Much of the credit for this achievement must go to the energetic and courageous manner in which Ellenborough executed it but the fact remains that the policy was set on foot before he arrived in India.

The conquest of the Sind, running contrary as it did to the general line of policy expected of Ellenborough, was of crucial importance in the relations between Ellenborough, the Directors and the Ministry. It is characteristic of this relationship that its main assumptions appear to be implicit and that their explicit statement was usually a result of some friction or crisis within this system. Wellington wrote to warn Ellenborough that "the cabinet is not satisfied with your having left the question of Peace or War with the Ameers, and all the consequences, so entirely to the decision of Sir Charles Napier" and he went on to stress the international implications of the action in Sind "Some twenty years ago such an action as this would have been merely local. The Government would have had no occasion to take cognizance of it ... But at this moment in

¹Home Misc., 845, pp. 100-01, Hobhouse to Palmerston, 3 April 1847.

particular everything that occurs in that part of the world is of importance and becomes an Imperial Question".¹ Peel who had to defend the action in Parliament reminded Ellenborough that "every act of the Government of India" was becoming increasingly subject to "Parliamentary scrutiny".² Both as regards British foreign policy and domestic policy the conquest of the Sind and the treatment of the Amirs was the business of the Ministry, not merely of the Court of Directors and the President of the Board. Thus despite Ellenborough's desire for a speedy confirmation of what had been done the matter continued to be discussed throughout 1843 and the sanction of the home authorities was not sent out until the end of that year. "Considering the consequences involved in a decision" Peel frankly told the Governor General "the immediate unhesitating approval and confirmation of everything that was done could hardly have been expected".³ As Gladstone noted, the Cabinet had at length decided "to acquiesce in the annexation of Scinde not (as Peel said) satisfactory but as having no other alternative".⁴

¹Add. Mss. 40463, ff. 279 & 281, 4 February 1843.

²E.P.37, Peel to Ellenborough, 6 June 1843.

³Add. Mss. 40472, f.120, Peel to Ellenborough, 2 January 1844.

⁴Add. Mss. 44777, ff. 107-08, Cabinet Minute to W.E.Gladstone, 22 November 1843.

Unable to control events in Sind owing to their swift and unforeseen nature the Ministry did not intend that anything similar should happen with, since Ranjit Singh's death, the increasingly turbulent kingdom of the Sikhs. "The Punjab is an alarming chapter; a formidable relic of the Afghan War" Ripon observed while the transactions in Sind were under consideration by the Ministry, "Let us know all that goes on there: but keep us out of it".¹ The significance of the Punjab for British foreign policy was more pronounced than that of the Sind and before Ellenborough left India Peel had written to him of the Russian monarch's strong desire that no circumstances should occur which would necessitate British intervention there.² The fact that there was no official despatch strictly forbidding such intervention though Ellenborough understood that "the Punjab was to be forbidden fruit"³ is yet another comment on the nature of the relationship between the authorities at home and the Governor General.

¹E.P.42, Ripon to Ellenborough, 6 July 1843.

²Add. Mss. 40472, f. 208, Peel to Ellenborough, 7 June 1844. The Tsar was at this time paying a royal visit to Windsor where he and Peel discussed questions, the Punjab among them, of mutual concern.

³Add. Mss. 40474, f. 145, Hardinge to Peel, 1 August 1844. Of the greater discretion over the Punjab allowed to his successor, as a consequence of Hardinge's greater devotion to the line set down from his home, Ellenborough commented "They would let you eat what they would not let me touch". E.P. 21/7, Ellenborough to Hardinge, 5 April 1845.

The view taken by Peel's government of the relationship between Indian finances and British, a view which was a complete contrast with that assumed by the Whigs in the previous decade, was stated by the man who took Peel's principles of finance into the second half of the nineteenth century, W.E.Gladstone, in one of his Midlothian speeches. Condemning the military expense incurred by India during Disraeli's second Ministry Gladstone reminded his audience that "Sir Robert Peel, in 1842, with great sagacity, repudiated the idea that the British taxpayer and the British citizen had no interest in the state of the Indian account."¹ Peel had, when proposing this income tax measure in 1842, cited among other causes of Britain's deficit the war in China and that to the west of the Indus² and he warned the Commons "that ere long your credit might be required to be brought in aid of Indian credit, should any great reverses or difficulties arise".³ Peel then was asserting that Parliament had a direct financial interest in the maintenance of peace in the East; a stronger case for a pacific foreign policy on the part of the Government of India could not have been made.

The immediate task of the Ministry as regarded Indian finances was to relieve the pressure on the depleted home treasury. Though

¹W.E.Gladstone, Midlothian Speeches, ed. M.R.D. Foot, p.143.

²Hansard, 3S, LXI, 1180, House of Commons, 23 March 1843, see also ibid., 468, 11 March 1842.

³ibid., 1178, 23 March 1842.

Peel certainly was inclined to respond to the Court's plea for help their contention that the British exchequer should bear some part of the cost of the Afghan War went past what was feasible with respect to British politics at the time for as Fitzgerald had to tell Ellenborough as well as the Directors "no Government in England will come to the relief of India, till the day arrives when it can no longer withhold it".¹ What Peel could propose in Parliament, and shortly afterwards effect, was the repayment of the advances made by the Company on account of the China war and in addition an advance on account for future expenditure by the Government of India for the pursuit of that war.² This measure was successful in averting a crisis in the Company's home finances.

Beside the immediate relief over the costs of the China war Peel's Government afforded to Indian finances the great blessing of a constant insistence upon and support for the attainment and maintenance of peace in the East. "You take the first effective step towards the reduction of expenditure by confining the operations of our army within our own frontier"³ Fitzgerald was soon to observe.

¹ See *ibid.*, 1178 and E.P.42, Fitzgerald to Ellenborough, 2 April 1842; for Fitzgerald's letter to the Chairmen see E/2/17, p.391, 25 May 1842.

² See Hansard, LXIII, 1020, Sir Robert Peel, House of Commons, 31 May 1842, and Add. Mss. 40444, ff. 28-29, Memorandum by H. Goulbourn, December 1842. The payments amounted to £800,000.

³ E.P.42, Fitzgerald to Ellenborough, 6 July 1842.

As has been observed this impetus from home applied even to such minutiae as representation at Baghdad and the Shoa mission. The Secret Despatch on Indian finances of 4 July 1842 conveyed the expectation that the "expense of the Shoa mission will, we trust, shortly cease; and we perceive that your attention has been directed to the steam flotilla on the Euphrates".¹

Congratulating Ellenborough upon the cessation of hostilities in Afghanistan and China Peel added his hope that this would "leave you at full liberty to establish those reforms in the Civil and Financial Government of India without which victories in the field would be fruitless".² Peel had cited Ellenborough's determination to control expense and put the revenues of India on a sound footing as one of the major considerations in his appointment and Ellenborough in India like the Ministry at home sought to give that clarity and firmness of financial control that had been lacking under the previous administration. His major reform in this respect was to constitute as a separate office the Finance Department of the Government of India, his original intention being "to make every new demand pass through the ordeal of the Financial Department before it could be submitted to Council, as in England all new charges must go through

¹ See L/P&S/5/554, para. 7.

² Add. Mss. 40471, f.262, Peel to Ellenborough, 5 December 1842.

the Treasury".¹ In his financial reforms Ellenborough enjoyed constant support from home. When by his resolution of 23 June 1842 Ellenborough had announced his intention to appoint a Committee of Finance to review expenditure in Bengal and the North West Provinces the Court understandably protested against the prospect of yet another round of retrenchment in their civil administration. Fitzgerald, however, refused to sanction any despatch which did not approve of the appointment of the committee.²

In the two and a half years of his Governor Generalship Ellenborough succeeded in retrieving the finances of India from the perilous condition in which he had found them. The deficit which stood a £1,771, 000 in 1841/42 was reduced to £743,000 by 1844/5,³ while the discount upon Government securities which stood at 16¹/₂ per cent when he assumed the administration had been reduced almost to par by the time he quit India.⁴ By September of 1843 Ellenborough was optimistic enough to predict in a letter to Peel that a surplus could be achieved in the following financial year.⁵

¹E.P.84, Ellenborough to J.A.Dorin, 2 August 1843. By a resolution of November 1842 Ellenborough appointed Mr. Dorin Secretary of the finance department.

²See E.P.42, Fitzgerald to Ellenborough, 5 December 1842.

³See P.P. 1852, X, Appendix, pp. 278-9.

⁴K.I.Garrett, Lord Ellenborough's Ideas on Indian Policy, London, M.A., 1935, p.240.

⁵Add. Mss. 40472, f.53, Ellenborough to Peel, 21 September 1843.

The reversal of the Government of India's foreign policy was accompanied by a reversal in that pursued towards the native states. At the Board of Control the critical position taken towards intervention by Conservatives while in Opposition was now maintained in office and the margin notes made by Fitzgerald and his subordinates on the political drafts and pre-coms are in complete contrast with those of Hobhouse. References to the feelings and sympathies of Indians for their native rulers, to "persons of influence and respectability" replace the frequent condemnations of existing conditions and relations so characteristic of Hobhouse's notes. One eloquent expression of this difference is given in the note of Fitzgerald's private secretary, A. Gordon, upon Colonel Sutherland's measure, in the Rajput state of Alwar, of replacing the hereditary servants of the prince with Company's native officers: "Now this is precisely what we did everywhere. We displaced all the old the hereditary servants of the states and put in our Baboos who very soon planted their friends - and this caused rebellion in many places - and all our old servants declared it was no wonder".¹ There is in this note an expression of a different appreciation of Indian society from that which prevailed during the previous decade of Whig Government. The available evidence suggests that it was among Conservatives rather than

¹E/4/773. 736. Pencil note on Political Despatch to India, 1
¹E/4/773, 736, 1Pe3.
 March (No. 4) 1843

Whig statesmen that there was a strong concern for the traditional fabric of Indian society, and this includes the idea of "the importance of the landlord class in society".¹

As a solution to the problem of relations between the Supreme Government and the native states annexation was particular repellant to Fitzgerald and his successor Ripon. Referring to the case of Colaba, whose annexation was still awaiting the approval of the home authorities Fitzgerald observed "can anything be more likely to interfere with the opinion entertained of our generosity, or our justice, than our thus grasping at every tenure, or territory, which may lapse?",² this was a far cry from Auckland's declared view though in the event both the annexation of Colaba and the deposition of the Raja of Satara had to be confirmed because neither could be conveniently undone both for reasons of Indian policy or British politics.³ But aside from such inherited cases the tenor of the official as well as the private correspondence was against intervention and annexation and the despatch sent out over the case of the succession to the petty Rajput state of Kishangarh was more characteristic of the new approach. Although the proof that the Ranee of Kishengurh had been authorized by her deceased husband to adopt a son, was imperfect "the adoption

¹ See Moore, p.180.

² E.P. 42, Fitzgerald to Ellenborough, 2 April 1842.

³ See E.P. 42, Fitzgerald to Ellenborough, 4 August 1842.

was approved and supported by all the chiefs except those who were personally interested in opposing it, and we therefore approve the recognition of the adopted heir."¹ More conclusive even were the transactions over the state of Gwalior with whom the Government of India was at length forced into hostilities as a result of the uncontrolled condition of the country after the death of Jankoji Rao in 1843. Here was a *prima facie* case for annexation had either the home authorities or Ellenborough wished it but such a course was never contemplated by either.² Instead after hostilities had been concluded Ellenborough imposed a treaty whereby a council or regency, and other administrative reforms, were instituted which ensured the stability of the state until the majority of the Maharajah in 1853.

While the general line of policy Ellenborough pursued towards the native states, a reversal of that pursued under the Whigs, was what was desired by the authorities at home in manner and detail he frequently exceeded what was acceptable. Certainly the Court and Ellenborough's Cabinet colleagues shared his view that it was necessary to remove "from the minds of our allies and neighbours the apprehension that we desire further aggrandisement".³ The circular letter he issued

¹E/4/773, 733, Political Despatch to India, 1 March (No. 4) 1843.

²See E.P. 42, Ripon to Ellenborough, 4 January 1844 and Ripon to Ellenborough, 6 March 1844, "I trust you will have found yourself in a condition to deal with the enemy on moderate principles ... your former letters showed that you were as forbearing as possible". Here again what was expected of Ellenborough over Gwalior emerged not through single official despatches but in the context of a correspondence which began when the question of the Gwalior succession was raised in early 1843, see E.P. 77, Ellenborough to Ripon, 19 February 1843.

³E.P. 102, Ellenborough to the Secret Committee, 30 April 1842, enclosing his circular letter of 26 April 1842 to the political agents.

to the political agents instructing them "You will distinctly understand that the further extension of our dominion forms no part of the policy of the British Government, that it is desirous on all occasions of respecting the independence of the native states" indeed amounted to a striking assertion that the policy pursued under Hob^house and Auckland was to be reversed and Fitzgerald told Ellenborough that he "read with no little pleasure your instructions to the Political agents".¹ The fact that the Governor General subsequently made the contents of his circular known to the princes themselves was, however, objected to as it militated against the illusion of continuity in the conduct of the Supreme Government. Moreover Ellenborough's harsh treatment of individual political agents such as Hodgson in Nepal and Blundell in Tenasserim, or indeed the whole European civil establishment in the Saugur territories after a serious insurrection there, could not but have been resented by the Directors who were responsible for the original appointment of these men.

The most striking example of Ellenborough's radical approach was undoubtedly his proposal, made directly to the Queen, rather than through the Prime Minister, that the sovereign should become the nominal head of the Indian Empire thus making the native chiefs her feudatories. Peel judged this suggestion to be profoundly inappropriate and refused even to consider it until "brought before me in the regular and constitutional manner".² Whether or not such a measure would have served

¹ E.P. 42, 4 August 1842.

² Add. Mss. 40471, f.293, Peel to Ellenborough, 6 April 1843.

to reassure the princes about their relationship with the Government of India was not the decisive consideration for Peel who had to deal with the realities of British politics and from that point of view Ellenborough's idea was three decades in advance of his time, for it was not until 1877 that the Queen was proclaimed Empress of India.

There was in Ellenborough's manner towards the princes a tendency not merely to reassure, which the authorities at home desired, but to over-awe the princes, an inclination greatly exacerbated by his conviction of the gravity of the situation on his arrival in India. "We have", he wrote to Fitzgerald, "to fight for Empire and even now almost for existence in India - I feel this but hardly anyone else does".¹ It was his conception of the gravity of the situation which led him to deport certain of the Amirs of Sind and their families, in other circumstances he observed "clemency ... might have been possible",² and it was these proceedings, rather than the actual conquest of the country which drew from the Court their resolution of August 29 1843 condemning his conduct as "unjust and impolitic".

The attitude towards the conduct of law reform and legislation at the Board during Peel's second administration can be summed up in the phrase used as part of the characterisation employed for the whole administration, that is a preference for practical reform and

¹ E.P. 77, 5 April 1842.

² A. Imlah, Lord Ellenborough, p.141.

an aversion to questions of organic reform gratuitously raised.

If during Hobhouse's administration of Indian affairs at home there had been no encouragement given to the work of the Law Commission comparable to what had been extended during Grant's Presidency the existence and ultimate purpose of that body and its approach to law reform had never been explicitly raised, even less had that of the Law Member of Council. With the advent of the Conservatives they were. By the close of 1842 Fitzgerald was writing to Peel "If Lord Ellenborough approves of it, as I know he is sure to, I shall have a Bill ... to repeal so much of the Charter Act, as created this job for Mr. Macaulay".¹ Those Directors critical of systematic codification now felt the time appropriate to express themselves. Fitzgerald, writing to Ellenborough about the Law Member's position added "they propose also, and I believe they are quite right, to dispense hereafter with the Law Commission, I was the first suggester to Sir James Lushington that these as well as other reductions might be effected The saving would amount to £35,000 per annum, and ... we ought to make the reduction if without prejudice to the public interest it can be done."²

¹ Add. Mss. 40462, f. 335, Fitzgerald to Peel, 25 December 1842.

² E.P. 42, Fitzgerald to Ellenborough, 4 January 1843 (mis-dated in the manuscript 1842). Fitzgerald enclosed the letter from the Chairman of 15 December 1842 as well as a letter in the same vein from Tucker.

Had these offices in fact been abolished the style, content and evolution of law reform in India must have been profoundly changed. But agreed though the home authorities and the Governor General initially were on the desirability of abolishing the Law Commission and the position of Fourth Member of Council this aim was not realized. In the course of 1843 a complete about face was executed by the Home Government on the matter. By their legislative despatch of 1 March 1843 the Court observed that the receipt of Mr. Amos's letter of resignation provided a fitting opportunity for the reconsideration of the constitution of these offices with a view to take measures "for the discontinuance of both"¹ and they called for opinions from the Government of India. After once more intimating that they wished the opinions of the Government, this time specifically Ellenborough's Councillors, the Court with the Board's sanction sent out a despatch giving their conclusion that the Fourth Member could not be dispensed with and in addition desiring his attendance at meetings other than those for the purpose of legislation.²

The explanation of this remarkable change of position lies in the increasing alarm of the home authorities at Ellenborough's autocratic conduct and his disregard of the Court's representations as

¹ See E/4/773, 722. The account of these transactions given in P.P. 1852-53, XXVII, Appendix, pp. 534-40, omits in its mention of the despatch of 1 March the crucial words "for the discontinuance of both". Parliamentary papers during our period habitually mute evidence of a difference of approach based upon party.

² See P.P. 1852-53, XXVII, 534 & 537 8. The Legislative Despatch

relations between himself and the Directors became ever more strained. The Court were "in constant dread of what he may do, without his Council" Fitzgerald told Ellenborough with respect to Ellenborough's protracted absence from Calcutta and his proximity to the distracted Sikh state. The Court were even talking of ordering him to return to Calcutta or desiring the Governor General to summon his Council in Delhi or wherever he might be.¹ It was this crisis of confidence which led to the reversal of the position which both the Court and the Board had shared a year previously.

This reversal of attitude ran counter to the change of course that should have followed naturally from the replacement of Melbourne's Ministry by one which had no responsibility for the creation of either the Fourth Councillorship or the Law Commission and was not beholden in any way to those Radicals who championed law reform along Benthamite lines. The appointment of Sir Lawrence Peel, a relative of the Prime Minister to be advocate general at Calcutta² and, subsequently, to the Chief Justiceship of the Supreme Court there was in itself a guarantee of an empirical approach to law reform

to India, 29 November (No. 22) 1843 desiring the retention of the Law Member did express the expectation that the Law Commission would subsequently be abolished by Act of Parliament but this was not to be effected.

¹ Add. Mss. 40463 f. 182, Fitzgerald to Peel, 17 March 1843.

² Peel also offered the Director and Conservative M.P., J.W. Hogg, a Privy Councillorship where as a member of the judicial committee of that body his services would have been valuable in cases of appeals from India. As a Director however he was obliged to decline the offer. see Hansard, 3S, CXXIX, 79.

for a court whose prestige had greatly increased since its nadir of 1832-33. Moreover A. Amos the Law Member in 1842 had never shown himself disposed to champion the cause of the Law Commission and certainly was not indisposed towards Ellenborough's stated view that "I greatly prefer legislating bit by bit to large changes in the law".¹ Yet one of Ellenborough's first acts was to exclude Amos from all meetings of the Council except legislative. This consistency with the position he took in 1835 was in fact counter productive of the ends Ellenborough sought.

Partly owing to the strain of the burdens he had assumed, and also to his growing estrangement from the home authorities, Ellenborough displayed an increasing tendency towards changes in the internal administration of India which largely pertained to his own long held views on Indian administration and went beyond what was desired either by the Court or the Board. An important motive for these innovations was Ellenborough's preference for a semi military form of administration which had already manifested itself in the 1820s.² His request for the title of Captain General of the forces made before he left for India was refused by Peel.³ The constitutional objections to such a measure were later given to Ellenborough,

¹E.P. 105, Ellenborough to A. Amos, 12 June 1842.

²See Stokes, p.169n.

³See Add. Mss. 40471 f. 66, Peel to Ellenborough, 15 October 1841.

who appears to have repeated the request, by Sir James Graham. It would, the Home Secretary told him, "impress on our Indian Government a stamp by no means desirable: it would be considered the consummation of the triumph of the Military over the Civil Service".¹ Ellenborough's bias towards this form of administration also found expression in the formation, early in 1843, of units of military police in the Saugor and Nerbudda territories and subsequently in his order for the extension of the system in the North Western Provinces. Ripon who was later to tell Peel that he found the measure "a most extensive, or rather I should say an entire change in the whole system of police"² permitted the Court to forbid its extension. Ellenborough's concern that young native gentlemen, and noblemen, should connect themselves with the Government particularly the military service was not foreign to conservative paternal sentiment. Yet Ripon who thought the principle a good one in itself permitted the Court to disapprove of Ellenborough's initiative in the formation of two noble corps of horse in the Governor General's bodyguard.³ Neither did Ellenborough's proposal for the formation of a noble college command any support from Fitzgerald or Ripon.⁴

¹ E.P. 37, Graham to Ellenborough, 1 April 1844.

² Add. Mss. 40465, f. 463, Ripon to Peel, 31 December 1844, and E/4/779, 1041-61.

³ E/4/775, 604-06, India Military Despatch, 6 September (No. 18) 1843. Ellenborough was instructed not to fill up any vacancies in this corps in the future.

⁴ See Garrett, pp. 279-82.

The negation of many of Ellenborough's pet projects and proposals serves as an indication of the limits on the exercise of a personal approach within the system of Indian government.¹ Admittedly the Court's response was related to their conviction that Ellenborough's conduct posed the question of whether or not the Directors were to have a place within that system. However the fact that Fitzgerald and Ripon were prepared to overrule the Court when they thought necessary, as was the case over the appointment of the Finance Committee,² is an indication that had others of Ellenborough's controversial measures originated in the commonly held opinions on administration of his Cabinet colleagues they would have enjoyed the support of the Board. Fitzgerald's assurance to Peel on this point "They [the Court] have not objected to a single reform which he has proposed - nor if it were a real reform would I permit them"³ sums up the situation. Leaving aside the case of such a fait accompli as the Sind, the policies of the Governor General had to be directed within the limits of the climate of opinion at home, Whig or Conservative, if they were to receive the Home Government's support.

¹ See A. Imlah, Lord Ellenborough, pp. 224-5. The author points out that Ellenborough's response to the Court's resolution condemning the Sind transactions as "unjust and impolitic", and even more so to their criticism of his dismissals in the Saugur territories constituted a virtual declaration of Independence from their authority.

² E.P. 42, Fitzgerald to Ellenborough, 5 December 1842, had stated that he would "sanction no despatch which does not express approbation of your Finance Committee".

³ Add. Mss. 40463, ff. 218-9, Fitzgerald to Peel, 9 April 1843.

Ellenborough's recall itself was the formal act of the Court of Directors taken in April of 1844 but the Governor General had by that time placed himself beyond the effective protection of the Ministry. Despite the increasingly critical view the Cabinet was taking of Ellenborough's conduct Peel had not been prepared in September of 1843 to cooperate with the Court when as a consequence of the Governor General's deportation of the Amirs of Sind the question of recall came to a head. Indeed Peel told Ripon that he should place "the whole responsibility" for any such attempt on the Court.¹ When at length the Court, as a result of Ellenborough's refusal to communicate the reasons for the Saugur dismissals, resolved upon his recall the Ministry refused to have any part in the action. Nevertheless Peel and his colleagues found it impossible to effectively oppose the Court by taking the matter to Parliament and having their power of recall abrogated as it would have been impossible to have obtained a majority for Ellenborough in the Commons.² It is certainly true that had Ellenborough been recalled for having

¹Add. Mss. 40465, f. 12, Peel to Ripon, 19 September 1843. Peel listed as objections to such a course the difficulty of finding a successor not already charged with more important duties, the risk of a collision of opinion between the civil and military in India over the justice of such a measure, and the making of Ellenborough a decided enemy of the Company. The Chairmen had hoped at this time that the Government "would takethenext step and advise him", Ellenborough, "to resign", *ibid.*, f.20.

²See S. Gopal, "Lord Ellenborough and the Home Authorities", Indian Historical Records Commission Proceedings, 1953, II, 34.

obeyed their instructions, or indeed had not openly challenged the Court's authority, the Ministry would not have acquiesced in the Court's decision. Thus painful though that decision was it did not result in any cleavage between the Court and the Board, or the Ministry, and the Directors willingly accepted the Prime Minister's suggestion for a successor to Ellenborough.

Whatever the peculiarities of Ellenborough's approach and whatever the success or otherwise of his "pet" projects, the fact must not be lost sight of that in its major outlines his policy had its roots in that of the Ministry at home.¹ The speedy termination of the war in China and the withdrawal from Afghanistan were agreed objects of policy within the Cabinet prior to Ellenborough's departure from England and the reversal of the whole policy to the westward of India, in the Persian Gulf area, in the Red Sea and beyond, were as much initiated by the Foreign Office and the Board of Control as by Ellenborough himself. The restoration of Indian finances from the bankrupt position the Whigs had left them in was a major concern of the Ministry and Ellenborough's financial ability had been a major reason for his appointment. Subsequently Peel, over

¹Peel in fact told Ellenborough at the time of his recall "we had approved of your general policy", E.P. 37, Peel to Ellenborough, 6 May 1844.

the payment of the Company's China expenses, as well as Fitzgerald and Ripon, afforded Ellenborough every possible support in his financial arrangements. The reversal of policy towards the native states, closely linked to the reversal in foreign policy, was likewise firmly supported from home and it is evident that the approach of Fitzgerald and Ripon to questions involving the native states was in complete contrast with that exhibited by Hobhouse, that the advent of the Conservative Ministry itself had been the determining factor in this change of policy. Finally the attack on the Law Commission and the post of Law Member, the 'Macaulay job', had been initiated at home by a Conservative President of the Board whose presence was the prerequisite for the assertion of the true opinion of the Directors on these institutions.

The selection of Lord Hardinge for the Governor Generalship had to answer for a number of considerations hardly less important than had Ellenborough's, certainly more discretion was demanded. Considering Peel's suggestion of the Secretary at War Wellington observed "It appears to me that this is by far the best arrangement as concerns every interest - that of the Crown - of the public -

of Lord Ellenborough and of the East India Company",¹ and he added "it will be the best proof that past policy is to be pursued". Wellington was quite right, the fact that Hardinge was Ellenborough's brother in law meant that his appointment gave the least possible offence to the latter and the Court of Directors showed their relief by making the appointment unanimously. More important Hardinge, a former staff officer of Wellington's during the Peninsular War, was, in his stout soldierly way, a devoted follower of Peel and sought constantly while in India to conduct his administration along lines acceptable to the Ministry. In August of 1845 he could, with justice, write to his wife "One year of my Indian administration is over to the approval of Peel and Ripon",² he could have added to their satisfaction too. With Hardinge at the head of the Indian Government, we have the translation of the Conservative approach to government uncomplicated by the type of long-matured, often highly personal views which had distorted Ellenborough's administration. In broad terms what Peel expected from Hardinge was given in his first letter to the new Governor General "If you can keep peace, reduce expense, extend commerce and strengthen our hold on

¹ Add. Mss. 40460, f. 206, Wellington to Peel, 3 May 1844.

² Hardinge Papers, Reel 1538, Hardinge to His wife, 7 August 1845. Before he departed Hardinge left a memorandum "upon all the important points with which he will have to deal when he gets to Calcutta", Add. Mss. 40365, f. 286 Ripon to Peel, 7 June 1844.

India by confidence in our justice, kindness and wisdom - you will be received here on your return with ... a welcome infinitely more cordial than if you have a dozen victories to boast of and annex the Punjab to the overgrown empire of India."¹

The Ministry's great concern was that Hardinge should maintain a manifestly pacific policy towards the Punjab, whose fate bore directly upon the maintenance of friendly relations with Russia and indeed, Peel felt, the whole course of British foreign policy at this time.² In his first letter to the Prime Minister Hardinge declared "Everything is perfectly quiet ... and if the Governor General abstains from going to the frontier, confining his preparations to measures of a defensive character, I am satisfied the case for justifiable intervention will not occur this year".³ This letter was shown by Peel to Count Nesselrode, the Russian Foreign Minister, as a proof that "consolidation and improvement" were desired rather than the "extension of our Empire".⁴ Such was the Governor General's subsequent conduct towards the Punjab, essentially a policy of watchful waiting, that when war at length seemed to be approaching, Peel could assure him that Brunnow was "satisfied that

¹ Add. Mss. 40474, pp. 172-3, Peel to Hardinge, 6 November 1844.

² Congratulating Hardinge in 1846 on his conduct towards the Punjab, Peel wrote "I firmly believe that what has taken place on the Banks of the Sutlej will have its influence on the Banks of the Oregon". Add. Mss. 40475, f. 211, 22 April 1846.

³ Add. Mss. 40474, f. 144, Hardinge to Peel, 1 August 1844.

⁴ Ibid., f. 169, Peel to Hardinge, 4 October 1844.

the occupation of the Punjab - if it takes place - would be forced upon us by an absolute necessity".¹ The Treaty of Lahore while it provided for an indemnity and the cession of territory yet maintained the independence of the defeated Sikh nation. This settlement was fully within the context of Hardinge's private correspondence with Peel and Ripon and he could with justice say, after the Peel Ministry had left office, "The instructions of your Government were to avoid by every means in my power the annexation of the Punjab".²

From the outset Hardinge assumed a moderate policy towards the native states uncomplicated by any grandiose visions in the Ellenborough manner. In his first letter from India he reported to Peel "On my arrival I wrote a letter to our residents at Lahore, Gwalior, Indore, and Nepal desiring them to explain to the Native Durbars in the most explicit terms that the present Governor General contemplated no change whatever in our foreign relations with these states - you may rely upon my adherence to the most conciliatory system of policy".³ Subsequent correspondence makes it clear that Hardinge was conscientiously, and with the full support of Ripon and as unanimous an endorsement as it was possible for a Court of twenty four Directors to give, adhering to just such a policy not

¹Add. Mss. 40475, f. 68, Peel to Hardinge, 26 October 1845.

²ibid., f. 276, Hardinge to Peel, 21 December 1846.

³Add. Mss. 40474, ff. 144-5, Hardinge to Peel, 1 August 1844.

only towards the strategically placed states mentioned above but generally. Whereas under Auckland a vigorous foreign policy had helped to give scope for an equally vigorous policy towards the states, that followed by Hardinge towards the Punjab would, he felt, be seen as "a proof of our disinterestedness, which will give confidence to all Native States by this proof that we don't voraciously take advantage of the misfortunes of an ally".¹ Towards the once restive Nepal Hardinge could now "conceive no combination of circumstances which can render the Nepalese, dangerous to our Government in India".² Over the Portuguese colony of Goa Hardinge refused to concur with the Government of Bombay that a demand should be made for the restitution of certain military fugitives as he felt that this would have unavoidably involved the occupation of Goa by an armed force".³ Likewise he also refused to the Bombay Government the deposition of the Raja of Kolhapur, a boy of fourteen, after an insurrection in that state, "our remedy against the recurrence of this sort of thing is clear". Their hill forts must be dismantled and thrown down and the privileges of the hereditary militia directed to more peaceful objects."⁴

¹ Add. Mss. 40474, f. 217, Hardinge to Peel, 23 January 1845.

² Ibid., f. 189, Hardinge to Ripon, 23 December 1844.

³ Add. Mss. 40874, f. 269, Hardinge to Ripon, 2 December 1845.

⁴ Add. Mss. 40474, f. 188, Hardinge to Peel, 23 December 1844.

Hardinge was by no means impervious to the problem of reform in the native states, he held the subsidiary system to be, at this date, "mischievous and disreputable"¹ and declined employing it over the Punjab. After the downfall of that last great Hindu kingdom Hardinge noted with satisfaction the voluntary agreements entered into by lesser states to abolish the practices of sati, infanticide and slavery and even went so far as to give his opinion that the Supreme Government would be justified in coercing those dependent states who failed to follow suit.² Yet at the same time the treaties entered into with the native states held weight with Hardinge. There was, he wrote to the Queen, "no part of the public business in India requiring more tact and forethought than the dealing with these kingdoms, in alliance with the British Government by treaties."³ His subsequent conduct towards Hyderabad and Oudh⁴ made clear to all his concern about these engagements. When, upon the accession of a new monarch, the administration of Oudh deteriorated once again Hardinge journeyed personally to Lucknow to "read a lecture" to the King on what was expected allowing the latter a period of grace of two years in which to improve matters.

¹Add. Mss. 40475, f. 275, Hardinge to Peel, 21 December 1846.

²Add. Mss. 36475, f. 491-2, Hardinge to Hobhouse, 23 December 1847. Had Hardinge, at this time been writing to a Conservative President of the Board he might well have expressed himself more moderately. Hardinge's policy of persuasive pressure to correct abuses was more akin to Bentinck's policy than the liberal one of intervention and annexation favoured by Hobhouse.

³Home Misc., 853, p.47, Hardinge to Lord Jocelyn, 24 June 1846.

⁴The Calcutta Review, 1847, VIII, p.538, observed that "the whole

By this stage it is possible to identify and describe both a "Whig" and a "Conservative" policy towards the native states. It appears that while both for financial and for political reasons intervention and annexation were proper to the policy pursued under Auckland and Hobhouse they were not to that pursued under the Conservatives. Under Hardinge particularly it was held to be undesirable to add more territory to, in Peel's words, the overgrown empire of India. It was undesirable both as regards the maintenance of a pacific foreign policy and also because the addition of territory would militate against Hardinge's desire to reduce his military force as the only effective manner of improving the Indian finances. As regards the two "outlooks", ideology is perhaps too strong a term, it is apparent that while Fitzgerald or Hardinge may express concern about the faith of treaties or impressing the princes and natives of India with the moderate character of British power and policy such a view did not count heavily with Hobhouse. Even with Auckland the direction of his policy, as opposed to his manner of expression was of course the same as Hobhouse's.

Under Hardinge the most significant contribution from home to the state of Indian finances continued to be the determination of the Conservative Government to maintain a pacific foreign policy,

tenor of Lord Hardinge's career might have satisfied people ... he would not annex Oude to India in the manner many desire to do".

particularly as regards its entente with France and similar understanding with Russia. Thus despite the Cabinet's anxiety about French activities overseas, in the Indian Ocean among other areas, the Indian Government did not become involved in anything more extensive than the strengthening of the defenses at Aden. Hardinge's statement upon the subject of Indian coastal defenses "with 4000 miles of coast any system of Gun Batteries would be most expensive - very useless and therefore very unnecessary"¹ was accepted as was his determination not to become "entangled in any doubtful operations" in support of the Imam of Muscat with whom a treaty had been concluded in the time of Auckland and Palmerston.²

Of course it was over the Punjab that the foreign policy of Peel and Aberdeen had its greatest impact upon Indian finances for the Punjab policy was ultimately the result of the Ministry's and therefore the financial results which flowed from it were as well. As a military man Hardinge had been the ideal choice for the maintenance of a conciliatory policy. His abilities, as a former Secretary of War, in matters of military finance as well as military organization enabled him to assemble the necessary force on the frontier without any dramatic increase of military expenditure, as for example, it enabled Hardinge to judge precisely what force was necessary in

¹Add. Mss. 40874, f. 193, Hardinge to Ripon, 4 November 1845.

²Add. Mss. 40874, f. 242, Hardinge to Ripon, 19 November 1845.

Bombay and Madras and to move the remainder to the North West.¹

One result of the cautious policy Hardinge pursued, which had its bearing on Indian finances, was the fact that when the war with the Sikhs did finally come it was not with a people united in the defense of their independence, as the Afghans had temporarily been, but against a distracted state which had begun to tear itself apart. After the war Hardinge was able to write to Peel his estimate that "after crediting the East India Company with $1\frac{1}{4}$ millions of indemnity money I do not think the Sikh War will cost the state 25 lacs or £250,000".²

While the problem of the Punjab was unresolved a decisive reduction in expenditure was not possible for as Hardinge put it to Ripon and Peel "I know of no means except by military reduction by which expenditure can be lowered for it is our large military establishment that now keeps us with a deficit of a million",³ yet with "the Punjab and Scinde on our hands we cannot reduce the army at present".⁴ Under these circumstances the most Ripon could do was to suggest borrowing at four per cent "in order to effect the reduction of the higher rate of interest upon your loans".⁵ But once Hardinge

¹See Charles, Viscount Hardinge, Viscount Hardinge, pp. 166-8.

²Add. Mss. 40475, f. 252, Hardinge to Peel, 22 July 1845.

³Add. Mss. 40474, f. 268, Hardinge to Peel, 8 April 1845.

⁴Add. Mss. 40873, f. 42, Hardinge to Ripon, 10 July 1845.

⁵Add. Mss. 40873, f. 36, Ripon to Hardinge, 7 July 1845. Ripon was

had settled the Punjab crisis he was able to embark upon a major program of military reductions so that on the eve of his return from India he could tell Peel that "during the last eight months 60,000 men have been disbanded and expenditure reduced by £1,200,000."¹ The postwar policy of military reduction was another consequence of the nature of Hardinge's foreign policy supported by and ultimately deriving from that of the British Government under Peel.

Another consequence of the Ministry's view that Hardinge had achieved a lasting peace in the Punjab was Ripon's readiness to see that Public works were now more liberally supported. The previous year in referring to the great works on the Ganges Canal Ripon had remarked "I shall be very stingy, at all events till I see daylight on the Sutlej".² The war once over a despatch was sent out sanctioning the "vigourous prosecution of the Works"³ and a similarly permissive attitude is apparent over the progress of the Agra to Bombay and the Grand Trunk roads. The indications are that had Peel's Ministry remained in power Hardinge's other projects for canals,

prepared, subsequently, in contrast to the situation under the Whigs, "to do all he can to give assistance from home by Exchequer Bills" in order to prevent Hardinge again having recourse to five per cent loans to cover the deficit. See Add. Mss. 40877, f. 218; Hardinge to Maddock, 20 July 1846.

¹Add. Mss. 40475, ff. 283-4, Hardinge to Peel, 9 January 1848.

²Add Mss. 40874, f. 18, Ripon to Hardinge, 6 October 1845.

³E/4/788, 571, India Revenue Despatch, 1 July (No.8) 1846.

railways,¹ expanding the educational establishment (qv) and perhaps even that for raising government loans for public works would have received Ripon's support in like manner. Even as things were Hardinge's administration showed the greatest activity in the field of public works of any thus far under the new charter.²

From the outset, Hardinge's internal administration no less than his external was characterized by his desire to act in consonance with the views of the Ministry and the home authorities and within the bounds of the constitution of the Indian Government. Upon his arrival Hardinge discreetly informed Ellenborough that it would be improper for the incoming Governor General to receive an invitation to the dinner the military who were "devotedly attached" to the departing head of government were giving in his honour. "I could not make my first act, that of a Partisan"³ he wrote to Peel and subsequently Hardinge did everything in his power to allay discord between individuals and services.⁴ With his own Council the Governor General maintained the most amiable relations so that when he was forced to quit Calcutta Ripon could write to Hardinge "It is very satisfactory that your Colleagues agreed so well with you in making

¹On May 7 1845 Ripon had written in response to Hardinge's earlier letters in favour of railways "You will receive by this mail a despatch on railways. We are very anxious to support them. But we must have a preliminary inquiry through the medium of a Commission". Add. Mss. 40872, f.97.

²See P.P.1851, XLI, paper 622.

³Add. Mss. 40474, f. 145, Hardinge to Peel, 1 August 1844.

⁴He was supported in this from home. Over the Napier-Outram controversy

the arrangements for the transaction of business in Hardinge's absence¹.

While it could be asserted with justice that Hardinge's conduct satisfied men's minds "that ... there would be no systematic repeal of Lord Ellenborough's acts ... because they were those of his predecessor"² it was equally true that Hardinge was obliged "to smash most of Ellenborough's pet novelties; military police, service battalions and legions etc. etc."³ The respect paid by Ripon and Hardinge to the Court's opinions⁴ told against Ellenborough's egregious reforms.

Preoccupied with the prospects of war to almost the same extent that Ellenborough had been Hardinge nevertheless conducted his administration in far greater conformity with Peel's exhortation to follow the paths of peace and economy and to "strengthen our hold on India by confidence in our justice, kindness and wisdom". "I divide my time between Calcutta and Barrackpore" he wrote to his own confidant, the most important civil affairs being "education,

which originated in the policy towards Sind and which was carried on in the press Ripon wrote to Peel "The Duke said he would write something to Lord H. Gough, with a view to check the practice which is but too common in India". Add. Mss. 40871, f. 51, 14 January 1845.

¹Add. Mss. 40874, f. 15, Ripon to Hardinge, 5 October 1845.

²Calcutta Review, 1847, VIII, p.460.

³Home Misc., 854, p.40, Hardinge to Hobhouse, 9 June 1847.

⁴Writing to Harding upon the noble bodyguard Ripon requested "Pray be so good as to look at the question ... the principle I think is a good one in itself, but the Court didn't like it". Add. Mss. 40870, f.285, 4 December 1844.

law and police-filling up the chinks of spare time, and they are very narrow, with Canals Roads and Bridges.¹ Thus Hardinge was able to "devote a great deal of time to educational matters and to initiate reforms and innovations of far reaching importance". Encouragement was given to "useful and sound elementary education" through the vernacular language, it being decided to establish over a hundred schools for the purpose; this of course was a decided shift in emphasis from the English centred approach of Macaulay and Bentinck's days. Higher education through a series of Government colleges with district schools attached was also projected and ultimately the foundation of a University.² But it was Hardinge's resolution of 10 October 1844 which was most characteristic of Hardinge's approach "In order to reward native talent and render it practically useful to the state, Sir H. Hardinge, after due deliberation, has issued a resolution by which the most meritorious students will be appointed to fill the public offices which fall vacant throughout Bengal" he wrote in a letter to the Queen, and added "This encouragement has been received by the Hindoo population with the greatest gratitude".³

¹H.P. Reel 1539, Hardinge to his doctor, Sir W.C. James, 20 February 1845.

²See D.P. Sinha, The Educational Policy of the East India Company in Bengal to 1854, pp. 257, 266 and 260.

³Add. Mss. 40474, f. 177, Hardinge to the Queen, 23 November 1844. Over medical education Hardinge pursued a similar course, "These

Hardinge's resolution appears to have embodied his own ideas rather than anything he found on his arrival¹ and is certainly consonant with the improving and somewhat paternalistic views present in his exchange of letters with Peel and Ripon. In its pragmatic and conciliatory aspects it might be contrasted with the combative and visionary minute of Macaulay on education and might fairly be termed a Conservative document, while the letter was Radical, for by it Hardinge sought to reconcile the social effects of the Government's educational policy with the needs of the administration rather than to create an Anglicised and possibly dissatisfied class of Indian.

Hardinge's administration affords a particularly clear example of the effect which the presence of a Conservative Government in England, and therefore a Conservative Governor General and Chief Justice of the Supreme Court at Calcutta, had upon the course of legislation and law reform in India. In the first place Hardinge's determination to conduct his administration within the framework provided meant that he would make no attempt to limit the presence of the Fourth Member of Council. On the other hand however Hardinge was prepared to oppose Cameron's unconstitutional attempts to

Black Doctors I am encouraging by better pay and more extensive employment - our friend Dwarkanath Tagore very generously pays for the education of two native students, who went to England under Dr. Goodeve... these boys will return skillful men and a great deal of collateral advantages will result". H.P., Reel 1539, Hardinge to James, 21 March 1845. Peel and Ripon were personally acquainted with Tagore, whom Hardinge remarked was "the generous patron of everything that is useful and charitable and is on all occasions most loyal to the British Government", see Add.Mss. 40474, f.233, Hardinge to Peel, 8 March 1845.

⁴See Hilliker, p.261. Peel's Government, in 1843, attempted to bring forth a Bill for a system of national education. Speaking in defense

further reform the administration in line with his Utilitarian principles. Hardinge would not, for example, accept the Fourth Member's proposal that the Governor General should have the power, on his own authority, to remove any area from those subject to the Cornwallis Regulations, which it was a goal of the Benthamite reformers to replace with their own codes. He could not consent; Hardinge wrote, to adopt any such change without positive orders from home after the whole case had been laid before H.M.'s advisers.¹ Similarly, Hardinge was unwilling to accept the advice of his Council to pass the Bill for incorporating the Assam Tea Company until definite orders to that effect had been received from home.²

Towards law reform Hardinge was well disposed and the Penal Code was, after a lapse of some years, again brought forward for discussion by the Supreme Council. On the question of enacting a *lex loci* for Christians in India Hardinge was in favour of the measure, as were, he told Ripon, the majority of the authorities in India.³ Nevertheless in Council he insisted that "it had never been intended to pass the *Lex Loci* act without first referring to the home authorities".⁴

of the Measure Sir James Graham argued that it would render the uneducated masses in the industrial towns, prone to Chartism, less of a threat to society. See Halevy, IV, p. 64n.

¹Indian Legislative Proceedings, R. 206, vol. 41, Consultations for 27 June 1846, No. 7.

²Indian Legislative Proceedings, R. 206, vol. 32, Consultations for 14 September 1844, No. 9.

³Add. Mss. 40873, ff. 120-21, Hardinge to Ripon, 7 August 1845.

⁴Indian Legislative Proceedings, R.207, vol. 36, Consultations for 2 August 1845, No. 2.

The despatch sent out reflected the extreme concern of the Court on anything connected with the religion of the inhabitants and it directed the Government not to pass any legislations on the subject without its prior sanction.¹

The nature of the conflict that was actually taking place between the Radical and Conservative views of law reform, and the role of the Conservative Governor General and Chief Justice in it, emerges most clearly from private correspondence on the subject of providing small cause courts for trying cases of lesser monetary amount than those appropriate for the Supreme Courts. A lively controversy was being pursued in India not only on the matter itself but upon its relation to the ultimate purposes of law reform.²

The issue and its relationship to the whole course of law reform in India is described at length in a letter from the Chief Justice of the Supreme Court, Sir Lawrence Peel, to his relative the Prime Minister. Passing the latter on to the President of the Board Sir Robert Peel commented "it seems that legal reform is come to a standstill in consequence of differences of opinion between Judicial

¹ See S.V.Desika Char, Centralized Legislation, p.196.

² The Law Member, C.H.Cameron, even questioned the competence of the Court to insist that no legislation be passed on the subject without their prior approval. Sir Lawrence Peel, the Chief Justice, however upheld the Court's position. See Hansard, 3S, CXXIX, 775-7, J.F.B.Blackett and Sir Charles Wood, House of Commons, 25 July 1853.

³ Add.Mss. 40874, ff. 249-50, Peel to Ripon, 19 November 1845.

authorities and Commissioners of law reform in India."¹

Sir Lawrence's account makes clear the basic difference of approach to law reform between himself and C.H.Cameron, between the Conservative approach and the Utilitarian. Cameron, whom the Chief Justice was aware was of "the school of Jeremy Bentham" did not view the question of a Small Cause Court Act as a matter in itself. Rather he proposed that "all cause should be tried in one and the same mode", by the projected Courts, rather than dividing the cases between the Supreme and the Small Cause Courts. The projected court he hoped would be "so successful that it will draw suitors away from the Supreme Court". That is Cameron saw the act as a major step in getting rid of the Supreme Courts, the dispensers of the law to be codified according to Utilitarian principles, should be the only onex in existence in India.²

Sir Lawrence's essentially Conservative approach was akin to that of Sir Robert Peel who as Home Secretary in the 1820s had reformed the Criminal Law of England not by constructing a new code but by consolidating the existing laws, dispensing with those which

¹ Add. Mss. 40874, ff. 249-50, Peel to Ripon, 19 November 1845.

² Add. Mss. 40874, ff. 251-56, Sir Lawrence Peel to Sir Robert Peel, 14 September 1845.

had outlived their usefulness. The emotional roots of Cameron's approach lay in his belief that "the whole system of procedure of administering the laws of England" was "vicious" as was that of "the Queen's Courts [In India]". Cameron's attitude towards law reform in India was an extension of what he felt about the English situation. So too in a quieter and more balanced fashion was Sir Lawrence Peel's.

The result of the clash of views was a stalemate in the progress of law reform in India "The Government here decline to pass his [Cameron's] measures, doubting of their advantages and knowing our opposition to them. His opposition is equally fatal to the success of our operations."¹ This clash though it occurred in India was ultimately determined by the course of British politics upon which the presence in India of the Conservative Governor General and Chief Justice at Calcutta depended.

Hardinge's government of India in the years 1844 to 1846 was a faithful application of the concepts of administration proper

¹Ibid. For the utilitarian viewpoint in this controversy see the anonymous article, "Indian Law Reform", in The Calcutta Review, 1847, vol.III, p.419 seq, which appears to have been written by Cameron.

to the Conservative Ministry of Sir Robert Peel in the Indian setting. His policy towards the Punjab was in fact simply an extension of British foreign policy as pursued by Peel and Aberdeen in which the desire to maintain a cordial understanding with Russia played a major role. The position taken by Ripon and Hardinge on the conduct and prospects of Indian finances was directly related to this essentially pacific foreign policy. The shared conviction that "peace offers the only mode of getting the Finances of India into a wholesome and safe state" had as its corollary the fact that Hardinge became the first Governor General during this period to set about reducing the military establishment as the means of balancing revenue with expenditure. Likewise their willingness to contemplate an enlarged public works program was connected to the belief that a durable peace had been achieved. The "conciliatory line of policy" which Hardinge maintained towards the native states also was consistent with the tenor of his foreign policy and with his financial too for he did not contemplate annexation as a means of adding to the revenues of India. As policy towards the native states under a Conservative Governor General differed from what it had been under a Whig so did the attitudes, or principles, entertained towards the native rulers by Hardinge and Ripon differ from those held by Hobhouse and Auckland. Similarly with Hardinge's educational reforms a conservative approach to social policy is apparent, particularly with his educational minute of October 1844 in which he sought to

reconcile the Government's educational policy with its social effects. Over legislation, notwithstanding Hardinge's acceptance of the Fourth Member's position within his Council, the profound difference between the Conservative and Radical approaches were sufficient to ensure that C.H.Cameron's efforts to farce Indian law reform into a Utilitarian mould would be unsuccessful at this time. The very faithfulness of Hardinge's Governor Generalcy to the guidelines set down from home and to the general principles of his party explain the unvarying support which his measures received from home.

Chapter Six

A SUCCESSION OF MINISTRIES. INDIAN POLICY
DURING THE GOVERNMENTS OF RUSSELL, DERBY
AND ABERDEEN, 1846-53

In India, Hardinge correctly apprehended the impending fall of Peel's Ministry over the issue of the Corn Laws "I admire the moral courage you display and the true patriotism which marks every act of your Public Life - I fear your administration will not outlive the session - the folly of 1830 will be repeated".¹ The great party which Peel reconstructed had split in 1846, the great administrator was no longer at the helm of affairs and the loss would be felt in India as well as in England. The Whigs were back in power, Hobhouse at the Board, Palmerston at the Foreign Office. Yet the conditions under which Russell took office were markedly different from those under which Melbourne had entered his second Ministry. Until the 1847 General Elections the Whigs were actually without a majority in the Commons and could only maintain themselves because of the division among the Conservatives, that is largely upon the suffrance of the Peelites. The administrative successes of Peel's second Ministry had made only too plain the deficiencies of the Whigs. Under these circumstances, Russell felt obliged to make overtures to various of Peel's lieutenants to

¹Add.Mss. 40475, f.239, Hardinge to Peel, 26 May 1846.

strengthen his own Government,¹ as well as to attempt to adopt many of the policies, above all the fiscal, of the previous Ministry.² Wellington was maintained as the Commander in Chief and Russell wrote at once to Hardinge to request that he remain in India as Governor General.³

Writing to Hardinge at the time of Peel's resignation, Ripon considered the question of Hardinge's staying on in India and concluded "in order to enable you to remain with advantage, it would be indispensably necessary that you should possess the real and entire confidence of the new Government".⁴ The remainder of Hardinge's Governor Generalship would form a comment upon the ability of the Whig Ministry and the Minister for India to give such support to a Governor General whose policies had been so closely associated with the Conservative administration of Sir Robert Peel.

¹ See P.R.O. 30/22/5B, Russell to Dalhousie, Lincoln and Sidney Herbert. Russell continued to try to recruit Peelites throughout his first Ministry, his offer of the Governor Generalship to Sir James Graham, primarily political, had also an administrative motivation for "the finances ... of India require the most vigilant application of sound principles", see P.R.O. 30/22/6D, Russell to E. Ellice, 16 June 1847. Dalhousie's appointment as well as Hobhouse's replacement were part of Russell's continuing efforts to strengthen his Ministry.

² An example of this as regards Indian affairs was the support accorded by Russell's Government to Hardinge's restoration of flogging among the native troops "although you know how distasteful that subject is to the Radical gentlemen on my side of the House". Home Misc., 853, p.143, Hobhouse to Hardinge, 8 December 1846.

³ P.R.O., 30/22/53, Russell to Hardinge, 8 July 1846.

⁴ Add. Mss. 40877, f.194, Ripon to Hardinge, 6 July 1846.

For a year and a half Hardinge's presence in India was to serve as a barrier to the sudden reversal of that policy of peace and consolidation which he had formerly pursued. The crucial issue here was his 'Lahore experiment', Hardinge's attempt to induce the formation of a self sustaining Sikh state in the North West favourable to British interests. Upon this Hardinge assured Peel: "If their [The Russell Ministry's] instructions are averse to the Lahore policy, I request immediately to be removed. If not I have consented to remain till the end of 1847".¹ The Governor General was thus consciously "adhering to the policy of the late Government ... which policy the Court of Directors have approved".²

Opinion in the Russell Cabinet was predominantly against the Lahore experiment, but given the state of British politics it was hardly possible to disavow the policy of the late Government. "You will perceive", Hobhouse wrote to Lord John when sending him the draft of the Secret Despatch on the Punjab, "I have followed the advice you gave me in Cabinet, and have confined myself to stating an apprehension that the Lahore Government will be overthrown when our troops are withdrawn, and that there will be no reduction

¹Add. Mss. 40475, f.266, Hardinge to Peel, 3 September 1846.

²ibid.

of our military establishment consequent on that event".¹ Palmerston's return to the Foreign Office had seen an end to the policy of entente with France and Russia. As a security against Russian advance in Central Asia, he told Russell, "we must have the country up to the pass [The Khyber]".² Hardinge, notwithstanding the discreet wording of the secret and private correspondence he received, was well aware of the climate of opinion at home, "the fact is" he wrote to Ripon "he [Hobhouse] and Palmerston are for direct and immediate annexation".³ Nevertheless as long as Hardinge was in India his Punjab policy was maintained, and on the eve of his departure he wrote to Peel "I have a strong conviction that a lasting Peace has been secured".⁴

Hardinge's presence also made its contribution in the wider sphere of Indian foreign policy. Of course the assumption, largely in independence of his colleagues, of an aggressive foreign policy was much more strongly opposed under Russell than it had been under

¹Home Misc., 853, p.52, 1 October 1846. The Secret Committee protested loudly against the despatch which they maintained was an implied censure on Hardinge's arrangements. See Add. Mss. 43749, f.53, Hobhouse's Diary for 9 October 1846.

²P.R.O. 30/22/5B, Palmerston to Russell, 9 June 1847.

³Add. Mss. 40877, f.256, Hardinge to Ripon, 20 April 1847. Hardinge was aware that "the old story has been revived of Russian invasion" on which he commented "What a Bug-a-boo".

⁴Add. Mss. 40475, f. 284, 8 January 1848.

Melbourne. By 1848 this opposition obliged the Foreign Secretary to undertake in future to "submit all his despatches to Russell for approval"¹ and by the end of 1851 Palmerston was obliged to resign because of the action he took, without consulting his colleagues, over Louis Napoléon's coup d'état. Nevertheless Hardinge's contribution to this new state of things as concerns India at least emerges clearly from a remarkable exchange of views between Hobhouse and Palmerston over the question of renewed Persian pressure on Herat: "the immediate vicinity of Russia and her daily encroachments on Persia, give a totally different character to all the movements of the Shah in that direction", Hobhouse conceded. Then he went on frankly, "if you ask my opinion I have no hesitation in saying that I should instruct Colonel Sheil to warn the Shah that he must be prepared for extremities, if he attacks Herat. But I would say nothing about India; nor would I employ the Governor General nor the Secret Committee as on a former occasion. The war should be a war between the two Crowns. Indeed with the present head of the Indian Government, and such a Secret Committee as I now have to deal with, all cordial cooperation from those quarter would be quite out of the question."² Though Palmerston replied in a characteristically

¹F.A.Dreyer, The Russell Administration, 1846-1852, Ph.D. St. Andrew's, p.138. The Whigs' efforts to maintain the fiscal policy refashioned by Peel may well have been a strong contributory factor to this determination. Speaking of the financial situation in 1848 the Chancellor of the Exchequer commented to Hobhouse that things were going on pretty well "if Palmerston did not drive the country into a war". See Add. Mss. 43751, f.76, Dairy for 28 January 1848.

²Home Misc., 845, pp. 102-03, Hobhouse to Palmerston, 3 April 1847. See also, *ibid.*, p.106 for Palmerston's reply.

undaunted manner there was no further question during the Russell Ministry of using Indian troops to the westward of the subcontinent.

Over the progress of policy towards the native states Hardinge's presence had, if anything, a more clear cut effect than over foreign policy proper. Hobhouse appears to have been taking care when referring to events in Bhopal, Nepal, Rajputana, or Oudh¹ not to use the occasion of some difficulty to urge upon the Governor General a decidedly interventionist course of action. Indeed Hobhouse's private correspondence would seem to bear out the repeated assertion made to Hardinge that "It is the earnest wish of the Government that you should act just as if no change of ministers had taken place".² Only when Hardinge's successor has already been chosen does Hobhouse express himself unguardedly "It has always appeared to me that, when all the rest of India is entirely quiet, and there is no menace or thought of external aggression, it would be just and expedient to assume the entire authority and control of Hyderabad State ... and the Kingdom of Oude also". Even more revealingly he continues "I know you will smile at such schemes, when quietly planned in a Board room on the banks of the Thames, and left to the execution of a Viceroy on the borders of the Ganges: nevertheless, very sober men have decided that, at no very distant period, the consummation to

¹ See for example, Home Misc., 853, p. 195, Hobhouse to Hardinge, 7 January 1847.

² Home Misc., 853, p. 68, Hobhouse to Hardinge, 7 November 1846.

which I have alluded must inevitably come to pass".¹ Hobhouse was saying in fact that a forthrightly annexationist policy could be expected after Hardinge's departure. For the time being, however, Hobhouse had to accept Hardinge's approach to the problem of Oudh, that is to the Governor General's granting to the new monarch two years grace in which to improve the administration of his country: "Lord Hardinge did not leave any other course open to us; except indeed we had chosen to upset his policy altogether, which would not have been altogether expedient".² Of course the question of expediency was not limited to Indian considerations alone, it related to the relationship of the Peelites to Russell's Ministry.

On financial questions Hobhouse's views were as much at variance with those of Hardinge as they had been on matters of foreign policy and on those regarding the native states. In Hardinge's view the end of the war in the Punjab marked the turning point "I have no gloomy apprehensions as to Indian Finance. Every year, with peace

¹Home Misc., 854, pp. 26-7, Hobhouse to Hardinge, 7 January 1847.

²Home Misc., 859, p.2, Hobhouse to Dalhousie, 24 April 1848. Similarly Hardinge declined to intervene more strongly in Hyderabad with but "three months of Government of India before me", and he quoted chapter and verse of the despatches sent out during Peel's administration to justify his restricting the agent, Col. Fraser, to maintaining the status quo, see Home Misc., 845, pp. 179-84, Hardinge to Hobhouse, 4 October 1847.

and confidence, Hindostan will make rapid strides in wealth, population and agriculture. The yearly deficit looks awkward, and we must get rid of it. I think we may effect that object in 1850".¹ But Hobhouse had taken another view: "You reckon I see ... the probable deficiency of the financial year at a million. I am sorry to say that we here make it amount to nearer two millions than one. At all events, the deficiency will be very large and there is no prospect, as far as I can see, of any diminution of expenditure".² This difference of view was maintained throughout Hardinge's term and to the man who next became Governor General Hobhouse would write "I told you at the India Board that I distrusted the very golden prospects of your predecessor".³

Hobhouse's attitude towards Hardinge's projects for increased expenditure on works of public utility, in contrast with that of Ripon, was from the first markedly negative. The President poured cold water on Hardinge's hopes for the sanction of "two hundred and fifty thousand pounds a year for railways, two hundred and fifty thousand pounds a year for the Ganges Canal, and so on": "You

¹Home Misc., 853, p.318, Hardinge to Hobhouse, 6 February 1847.

²Home Misc., 853, p.152. Hobhouse to Hardinge, 24 November 1846.

³Home Misc., 859, p.3, Hobhouse to Dalhousie, 24 April 1848.

will, however, have before this time heard that neither of these outlays, to the extent you mention, are determined upon at home". Nor did Hardinge's proposal for "A loan raised each year for each specific object of public utility" seem "advisable" to the President.¹ Though Hobhouse was careful to make these decisions seem impersonal it is evident that he took the initiative in having Hardinge's projects curtailed.² Since the President disagreed with the Governor General on the prospects for Indian finances, he objected to what had been sanctioned during Peel's Ministry: "I cannot imagine how this office permitted such a despatch as that of the first of July [1846, on canals] to be sent out to India without specifying the limits beyond which the annual expenditure was not to go."³ Likewise with railways, Hobhouse, who showed himself anxious to limit the Government's commitment over the issue of guaranteed interest upon the investment from private railway companies, regretted that "the business was in progress when I came to the India Board and I could not disallow what was already begun".⁴

¹ Home Misc., 853, pp. 298-9. Hardinge to Hobhouse, 21 February 1847; ibid., p.293, Hobhouse to Hardinge, 7 April 1847.

² Home Misc., 845, p. 77, J.W.Hogg to Hobhouse, 11 March 1847. Hogg warmly supported the Ganges project.

³ Home Misc., 845, p.76, Hobhouse to Hogg, 13 March 1847.

⁴ Home Misc., 857, p.204, Hobhouse to Dalhousie, 22 August 1849. Hobhouse had insisted: "it is obviously our duty to restrict that guarantee within the narrowest possible limits" despite the Court's eagerness to encourage the railway companies. See Home Misc., 850, p. 128, Hobhouse to Hogg, 11 December 1846.

Hardinge's ambitious educational programme was likewise seriously impaired by want of support from home, essentially from Hobhouse. The project for founding a University was disapproved outright. Exception was taken to Hardinge's resolution on the Government employ of meritorious students as being too biased in favour of those at Government colleges. The project for the expansion of vernacular schools had been approved under Ripon. Now the proposal that these should be financed by Government grants of land was turned down. While the plan for expanding the number of Government colleges and grouping district schools around them was approved, it was subject to financial limitations.¹ Elsewhere even Hardinge's endorsement of the project for a uniform rate of postage throughout India met with a discouraging reply² soon after the Whigs had returned to office.

While Hardinge saw the reduction of the military force as his major means of eliminating the deficit in Indian finance, Hobhouse saw "no prospect ... of diminution of expenditure". The President was of the the opinion, declared in the secret despatch of October 1, that "there will be no reduction of our military establishment consequent upon the withdrawal of forces from the Punjab. Hardinge's

¹See D.P.Sinha, Educational Policy, pp. 262, 279 n.2; Public Despatch to India, 25 August (no. 20), 1847, and Sinha, p. 277 n.5.

²See E/4/790, p.325 seq., Legislative Despatch to India, 21 October 1846.

programme of military, naval and police reductions therefore was entirely the result of his own view¹ of the prospects of peace. Hobhouse however made no overt attempts to oppose Hardinge's efforts. Even with the reduction of the Indian navy, where Hobhouse was of the opinion that "the present naval establishment of India is inadequate to its purposes",² the Governor General's measures received his approbation.³ On the question of the removal of the last steamer from Mesopotamian waters, where Hobhouse told Hardinge that he was in sympathy with Palmerston's 'remonstrance' against the measure, the President concluded by observing "you will, however, no doubt consider the subject in all its bearings, and do what is right".⁴

If Hobhouse was not prepared to give Hardinge the measure of support over expenditure which Ripon had, neither was he prepared openly to contest Hardinge's programme of reductions. These economies rested ultimately upon Hardinge's Punjab policy, a policy which the Russell Ministry found it inexpedient to challenge, implemented as it was by one of Peel's lieutenants.

¹ See Home Misc., 854, p.14, Hardinge to Hobhouse, 4 October 1847. Hardinge complained "I am provoked with the sister Presidencies in their lethargic indifference to second the Governor General with his efforts to make reductions". Had Ripon rather than Hobhouse been at the Board it is probable that the subordinate Presidencies would have received a sharp rebuke from home.

² Home Misc., 845, p.134, Auckland to Hobhouse, 12 April 1847.

³ Home Misc., 853, p.320-321, Hobhouse to Hardinge, 24 April 1847.

⁴ Home Misc., 853, p.191, Hobhouse to Hardinge, 7 January 1847.

It is evident that Hardinge had received something less than the "real and entire" confidence and support of the Ministry and the Home Government. He had gone ahead with his Punjab policy and with his military reductions, in spite of, rather than with the co-operation of the home authorities. On public works and education there had been a clear lack of support which had all but checked progress in these areas. Hardinge's presence in India during Russell's administration was manifestly due to considerations of British politics, rather than Indian administration, and his foreign policies in particular could hardly be expected to be upheld once he had left the scene.

Lord Dalhousie was not, in contrast to the three men who preceded him, a member of the Cabinet which was responsible for his appointment as Governor General. His selection however was part of Russell's continuing attempt to strengthen his Ministry by recruiting Peelites to its service or otherwise detaching them. Hobhouse, for one, was not in favour of the attempt, "Lord Dalhousie and Lord Elgin are very good men, and would fill the post in question very fairly", Hobhouse conceded to Russell, but he saw "no necessity for going beyond your own political friends for a Governor General of India".¹

¹Home Misc., 845, p.204, Hobhouse to Russell, 14 July 1847.

Though Dalhousie had indeed shown himself a capable administrator, first as Vice President then as President of the Board of Trade during Peel's second Ministry, he could not be considered by 1847 a close associate of his former leader.¹ More important, there was no question of any connection on Dalhousie's part with the policies that had been pursued under Hardinge. "Lord Dalhousie is with me", Hobhouse now wrote approvingly to Russell "and I am happy to say that, so far as Indian matters are concerned, nothing can be more satisfactory".² Dalhousie's somewhat ostentatious independence of manner notwithstanding, his actual conduct of policy was to be consistently along the lines desired by Hobhouse and the Ministry.

Nowhere is the change occasioned by Dalhousie's appointment more immediate and apparent than in the case of the native states. In his first letter to the new Governor General Hobhouse spoke of the ill health of the Rajah of Satara and observed unambiguously "on the death of the present Prince without a son, and no adoption should be permitted, this petty Principality should be merged in the British Empire; and, if the question is decidee in my day 'day of Sextonship' I shall leave no stone unturned to bring about that

¹See Dreyer, pp. 76-7.

²Home Misc., 845, p.284, Hobhouse to Russell, 3 October 1847.

result".¹ This communication could have come as no surprise to Dalhousie who had gone through Hobhouse's private correspondence before he left² for India, and whose letters display an easy familiarity with the President's view on such matters. In his first comment on Satara Dalhousie assured Hobhouse that nothing had been done which would "tend to promote the agitation" still being carried on in England on behalf of the Raja deposed in Auckland's time, and referring to opinion expressed in India by some of his subordinates in favour of permitting an adoption by the present Raja, the Governor General observed discreetly "At present I will give no opinion".³ After the Raja had suffered a fresh attack, however, Dalhousie wrote to Hobhouse "If anything should happen to him, clearly the Raj should be resumed The policy which commended its foundation as a Mahratta state has no longer an existence", an adoption "of course could not be permitted".⁴ On the death of the Raja, later placed in 1848, Satara was immediately under British administration and subsequently it was annexed.

¹Home Misc., 854, p.191, Hobhouse to Dalhousie, 24 December 1847.

²Add. Mss. 43751, f. 48, Hobhouse's diary for 6 November 1847: "Dalhousie came to finish the reading of my private correspondence".

³Home Misc., 854, pp. 238 & 240, Dalhousie to Hobhouse, 8 February 1848.

⁴Home Misc., 855, p.18, Dalhousie to Hobhouse, 8 April 1848.

"We have sent a despatch to India by this mail ordering the assumption of the Sattarah territory" Hobhouse was able to tell Dalhousie early in 1849, and he added "we shall have debates in Parliament about it; but I do not anticipate much opposition".¹ Over Satara he was right, but eventually the Governor General's minute, containing a statement far more formidable than Auckland's upon Colaba, formed the focus of a serious attack in Parliament on this policy of annexation of the native states. In his minute Dalhousie declared: "in the exercise of a wise and sound policy the British Government is bound not to put aside or to neglect such rightful opportunities of acquiring territory of revenue as may ... arise from the lapse of ... subordinate states ... from the failure of heirs natural".² This 'doctrine of lapse' set forth in the first year of Dalhousie's administration was in fact little more than an overt statement of what Hobhouse had been quietly working for during two decades.

Hardinge's arrangement for a period of grace over Oudh had tied Hobhouse and Dalhousie's hands somewhat but upon Hyderabad the President "after some discussion" with the Chairman had a despatch sent out "which will enable you to take a far more decisive

¹Home Misc., 859, p.104, Hobhouse to Dalhousie, 24 January 1849.

²See Sir W. Lee Warner, Life of the Marquis of Dalhousie, II, p.116, Minute of 30 August 1848.

course in regard to the Nizam than has hitherto been adopted. We differ essentially from Lord Hardinge as to the conduct of General Fraser and so far from disapproving his interference, authorize a similar course of conduct under similar circumstances."¹ Hobhouse expected Dalhousie to take a very different line from Hardinge on interference in the affairs of the states. Even on Oudh he was "inclined to think that the Treaty with the former State will not stand much in your way".² However the situation in the Punjab did interpose itself and Dalhousie wrote to Hobhouse, "Oude and Hyderabad we must try to hang up until after this trouble in the North is over".³

The future of the Delhi succession did not present such difficulties of timing as did Hyderabad and Oudh and by April 1849 Hobhouse was reading the Governor General's despatch on the Delhi sovereignty, in which Dalhousie proposed to put an end to the "House of Timoor" by lapse on the death of the existing Emperor. As "at present advised" Hobhouse agreed with Dalhousie, "and I trust the

¹Home Misc., 854, p.220, Hobhouse to Dalhousie, 24 January 1848.

²Home Misc., 854, p.246, Hobhouse to Dalhousie, 4 April 1848.

³Home Misc., 855, p.113, Dalhousie to Hobhouse, 9 June 1848. Yet in offering the Residency at Lucknow to Colonel Sleeman "with especial reference to the great changes which will in all probability take place" Dalhousie was anticipating the future assumption of at least the administration of Oudh. See Dalhousie Papers, GD 45/6/78, Dalhousie to Sleeman, 16 September 1848.

Court will do the same".¹ The Court did not agree, however, still Hobhouse assured Dalhousie if they persist "the Dispatch will be written at Cannon Row and the Court will sign it, that is all,"² Indeed, though the Court quoted "the authorities of Mount Stuart Elphinstone and Sir George Clerk and Professor Wilson" to persuade Hobhouse "to agree with them and to maintain the foolish phantom",³ Hobhouse was not moved. What appears to have carried greater weight was pressure exerted in Parliament "Sir Edward Colebrooke brings forward a motion for a committee to enquire into the law of succession amongst the Native Princes; chiefly, as I understand from him, to give himself an opportunity of controverting certain doctrines advanced by you in your minute on the Sattara case".⁴ This being so, Hobhouse could "not help letting my colleagues know something" about the matter and Lord John Russell subsequently had Hobhouse convey his view to Dalhousie that "you will not carry your proposed measures into effect on the death of the present king should you ... see any reason to doubt the expediency of taking such

¹ Home Misc., 859, p.144, Hobhouse to Dalhousie, 4 April 1849.

² Home Misc., 859, p.215, Hobhouse to Dalhousie, 3 October 1849.

³ Home Misc., 859, p.231, Hobhouse to Dalhousie, 6 December 1849.

⁴ Home Misc., 859, p.247, Hobhouse to Dalhousie, 2 February 1850.

a course".¹ Dalhousie complied with the substance of this caution and his official letter abandoning the project was gratefully received by the Court who had been overwhelmingly against it.

The setback over Delhi probably provoked Dalhousie to ask whether in the event of the King of Delhi wishing to surrender his kingdom and become a state pensioner Hobhouse would "back me or would throw me over". "To be sure", Hobhouse protested, "I am not aware of ever having thrown you over".² But though the President would be "most happy if the putting an end to the ricketty systems both at Hyderabad and Oude should be reserved for you"³ the great annexations of Dalhousie's administration were largely to occur after Hobhouse had left office. Nevertheless, the Hobhouse-Dalhousie partnership had already seen the most important development of that policy which had been pursued under successive Whig Ministries throughout our period. Already this policy had assumed a significant role in the financial administration of the Government of India under Dalhousie. "Rightful" opportunities to acquire "revenue or territory" had already yielded more than a quarter of a million pounds a year with the annexation of Satara.⁴ When early in 1851 the former Maratha Peshwa,

¹Home Misc., 859, pp. 249-50, Hobhouse to Dalhousie, 25 February 1850.

²Home Misc., 860, p.74, Dalhousie to Hobhouse, 6 October 1851.

³Home Misc., 860, p.58, Hobhouse to Dalhousie, 7 August 1851.

⁴See P.P.1861, XLIII, paper 522.

a state pensioner who had surrendered his sovereign rights in 1817, died, Dalhousie determined not to extend the payment of the stipend to the Peshwa's adopted son: "the old Peshwa is dead at last. This will add nearly nine lacs to our annual income"¹ he observed with evident satisfaction. An even more explicit statement followed over the case of the arrears owing by the Nizam of Hyderabad for military contributions. Dalhousie was now free to take that "far more decided course in regard to the Nizam" that was to result in the assignment to the Government of India of districts yielding some fifty lacs annually. The importance to Indian finances that policy towards the states was now assuming, emerges very clearly from Dalhousie's remark to Hobhouse "The amount of the debt would of itself compel us to act under present circumstances for I am sorry to say that the regular estimate to April 1851 again shows a very large deficit and compels us to collect our ways and means wherever we can find them".²

With Hardinge's departure the man who had created the Lahore experiment and maintained it in the face of the Ministry's critical attitude, and that of many of his own officers,³ was removed from

¹Home Misc., 857, p.231, Dalhousie to Hobhouse, 19 February 1851.

²Home Misc., 857, p.274, Dalhousie to Hobhouse, 5 May 1851.

³The crucial position played by the Governor General in the maintenance of such a policy is revealed by Hardinge's admission that most of his officers were initially critical, but that now "Almost all are gradually veering round" to his position that "annexation would be a source of weakness". See Home Misc., 859, p.16, Hardinge to Ripon, 24 June 1846.

the scene. The Ministry had been committed to nothing more than not overtly reversing that policy. There had been nothing in Hobhouse's private correspondence, or in the secret despatches, that had contributed to its furtherance, and as regarded the expression of opinion, much to the contrary. The generally accepted view that Dalhousie "had come out to India firmly believing in the wisdom and justice of Lord Hardinge's scheme for nursing the growth of a strong and stable native Government in the Punjab"¹, cannot be accepted uncritically. Dalhousie was not as Hardinge had been, pledged to the upholding of a policy towards the Punjab which related to the foreign policy of the previous Ministry. Dalhousie had been privy to Hobhouse's private correspondence in England and was, on the basis of this alone, well aware of the Ministry's views on the Lahore experiment. That he went out to India believing in the policy of a Ministry with which he no longer had any connection, totally immune to the views of the Ministry which appointed him, is highly doubtful. Moreover, that Dalhousie should have accepted, uncritically, Hardinge's policy towards the Punjab, when he immediately rejected his predecessor's policy towards the native states, would also seem to be somewhat incongruous.

¹L. J. Trotter, Life of the Marquis of Dalhousie, p.37. See also B.J.Hasrat, Anglo-Sikh Relations 1799-1849, p.303.

It is not possible in a study of the workings of the Home Government to say conclusively how much effect, in India, Hardinge's replacement by Dalhousie had upon the Lahore experiment, that is how much responsibility the Ministry's appointee, Lord Dalhousie, bore for the outbreak of the revolt at Multan, its spread and the consequent conquest of the Punjab.¹ It is, however, possible to say something about the Ministry's role in the decision to annex that state. The declared attitude of the Russell Ministry on the Punjab was largely determined by considerations of British politics. Russell had never been personally unsympathetic to the desire of Palmerston and Hobhouse to have the Punjab annexed, the deference paid to Hardinge's policy had stemmed from Russell's desire to maintain cordial relations with the Peelites,² rather than any conviction of the soundness of the Lahore experiment. In 1848 ostensible deference continued to be paid to the opinions of Hardinge and Wellington on the matter both by Hobhouse and by Dalhousie. Moreover Russell had to contend with a division of opinion within his Cabinet over the Punjab. Auckland expressed himself in favour of Hardinge's policy and Lord Grey, the Colonial Minister, expressed himself very strongly against any action which would involve annexation.³ Under these circumstances Russell

¹Hardinge, for one, regretted "the delays which have encouraged disaffection", that is the slowness in dealing with the outbreak at Multan. See Hardinge to Peel, 8 January 1849, Add.Mss. 40475, f.288.

²The fact that Ripon and Lord Jocelyn "moved for the Despatches" on the Punjab may have also had an effect. See Add. Mss. 40877, f.256, Hardinge to Ripon, 21 April 1847.

³See P.R.O. 30/22/7D, Grey to Russell, 22 November 1848. Hardinge wrote

was unwilling in October 1848 to comply with Hobhouse's request for a clear pronouncement from home on the annexation desired by Dalhousie. Rather Russell requested Hobhouse to convey to Dalhousie the view that "if the urgency of the case shall have induced him to take any step of importance without authority, we shall be ready to put the most favourable construction on his conduct".¹ While the Ministry thus avoided formally committing itself to annexation it had virtually given Dalhousie authority to do just that.

In the wider field of foreign affairs the Russell Ministry maintained its determination to curb Palmerston, and Dalhousie was spared that large scale involvement in an active British foreign policy which the Indian government had had to undertake under Auckland. Renewed friction at Canton led to no more than the despatch of one regiment from India in 1848 and when Hobhouse received reports of Afghan participation in the Second Punjab War he told Dalhousie that Dost Mohammad's men "must be driven back into their own territories and not followed".² Likewise the report that Persia was again preparing to

to Peel that "Ld. Grey volunteered the night before last at Lord J. Russell's to say that the Punjab policy [Hardinge's] was right ... The Cabinet apparently is divided". Add. Mss. 40475, f.295, undated, 1848-49.

¹Home Misc., 846, p.25. Russell to Hobhouse, 11 October 1848;
Home Misc., 859, p.60, Hobhouse to Dalhousie, 23 October 1848.

²Home Misc., 859, p.116, Hobhouse to Dalhousie, 24 February 1849.

undertake an expedition against Herat merely prompted Palmerston to instruct his agent, Shiel, "not to interfere in any way".¹ Palmerston was now even disposed to defer to Dalhousie over questions of diplomatic representation at Baghdad.²

While the Government of India was not at this time burdened by an involvement in an active British foreign policy, it is also true that the Russell Ministry failed to give it that positive guidance in the avoidance of costly foreign wars that Ellenborough and Hardinge had received from Peel and his colleagues. This was markedly so over the Punjab, and when Dalhousie was becoming embroiled in worsening relations with the Burmese authorities at Rangoon towards the end of 1851, the Secret Despatch sent out declared "we entirely approve of all the proceedings of your government"³ on the matter.

The control and direction exercised from home over Indian financial policy remained largely negative in the years 1848 to 1852. This was especially so during the financial crisis which gripped Britain and Western Europe in the years 1847-48, the latter part of which coincided with the resumption of hostilities in the Punjab. From 1849 onwards there was a gradual relaxation of the stringent control

¹Home Misc., 860, p.74, Hobhouse to Dalhousie, 6 October 1851.

²See Home Misc., 857, p.351, Col. Rawlinson to Hobhouse, 5 November 1851.

³L/P&S/5/559, Secret Despatch of 7 January 1852, para.7.

exercised over Government expenditure. In the case of the newly-conquered Punjab this was largely for reasons of security, but mounting pressure in Parliament over such questions as railways, cotton cultivation, banking and steam communication did force the Ministry and the Board to make concessions which in some cases involved expenditure by the Indian Government. These were piecemeal concessions, however, and no general approach to the problem of Government expenditure on works of public utility was arrived at before the Russell Ministry left office.

The commercial and financial crisis of 1847-48 entailed a fall in the volume of trade with the East so great that the position of the Company's Home Treasury, which depended upon this trade for its remittances from India, was quite desperate. "Our worthy Chairman", Hobhouse told Dalhousie, "has lately been in great alarm as to the state of our Home Treasury, and I have so far fallen in with his fears as to consent to sending another half million [in bullion] from India ... we do not wish to have recourse to the Chancellor of the Exchequer, or the Bank, until the Indian supply fails us."¹ Indeed the response of the Chancellor of the Exchequer was not such as to prevent the Court from hastily selling off their long term securities, and to Hobhouse's complaint about this measure Tucker, once again Chairman

¹Home Misc., 854, pp. 221-2, Hobhouse to Dalhousie, 24 January 1848.

replied, "Sir Charles Wood was very gracious and pleasant, but if he had admitted our claim to the two hundred thousand pounds, or had given me the slightest reason to expect that he would, eventually, have afforded us assistance, there would have been no question about the sale of the Long Annuities".¹ Rather than coming to the aid of the Company at a time of crisis the Chancellor felt himself obliged to pursue a controversial course. He and Sir Charles Trevelyan informed Hobhouse that they "were resolved not to repay the £200,000 advanced by the E.I. Company to pay the China batta to the troops - Trevelyan read correspondence to show that it was not a separate account".² Subsequently Wood told Hobhouse that "he must positively have an alleged balance of three hundred and seventeen thousand pounds due to the Grant for pay to Royal troops. I say alleged because the Court dispute the claim ... I do not feel myself in a very pleasant position between the hammer and the anvil ... I think I must ... ask you to ... remit as fast and fully as circumstances will allow."³

¹Home Misc., 845, p.397, Tucker to Hobhouse, 27 December 1847.

²Add. Mss., 43751, f. 52, Hobhouse's Diary for 18 November 1847. Hobhouse himself had earlier, *ibid.*, p.44, 31 October 1847, commented on Wood's attitude to Indian finances "I have somewhat lost confidence in my Downing Street Financier".

³Home Misc., 859, p.58, Hobhouse to Dalhousie, 6 October 1848.

In 1842, a time of acute difficulties for the British Exchequer, Peel had been able to help relieve the pressure on the Indian finances because of his mastery of the British. Now Wood because of his ineptitude was being forced to add to their difficulties.

The renewal of hostilities in the Punjab had been long anticipated by Hobhouse. "There is an end of all the golden dreams [Hardinge's] of equalizing revenue and expenditure" he wrote to Dalhousie with something, almost, of satisfaction "and there, too, must be an end of some at least of the great public works in which your predecessors have somewhat unwarily engaged. I do not see how you can, for example, go on with the Ganges canal at this time of depression in your resources. It is fortunate that you have not engaged yourself in any immediate outlay for railroads; and care will be taken that you shall not now be called upon for any such expenditure."¹ The home authorities insisted upon the observance of the ceiling of 50,000Rs. upon the discretionary power of the Government of India over expenditure and Dalhousie responded promptly and effectively to this order.²

The more positive attitude at home towards works of public improvement from 1849 onwards was of course not due to any change in

¹Home Misc., 859, pp. 80-81, Hobhouse to Dalhousie, 24 November 1848.

²India Financial Proceedings, Range 209, vol. 55, Consultations of 16 September 1848, No. 1. The subordinate governments were notified immediately of the order which does not appear to have been formally repealed during the remainder of Hobhouse's term.

Hobhouse's view of their desirability, to the elaboration of a plan for Indian development as such, but to renewed pressure upon Russell's Ministry by interested parties in England. On the subject of railways Hobhouse early in 1849 informed Dalhousie that "the improving state of the money market induces the companies here to pluck up spirit again ... I am to see a large Deputation ... tomorrow."¹ In the face of the political pressure brought by these interests,² Hobhouse's former objections were of little consequence, and by June of the same year he was writing to Dalhousie to inform him that an agreement had been reached.³ Similarly though Hobhouse objected to the threat to Indian land revenue involved in the encouragement of cotton cultivation, the pressure exerted in Parliament by John Bright and others was such as to induce Lord John Russell to write personally to Dalhousie a long letter in which he concluded: "If upon enquiry you shall find that additional measures can be taken to encrease the supply in India I rely upon your recommendations in their favour to the Court of Directors and the Board of Control."⁴

Progress over works of public improvement, though very significant, remained largely confined to the experimental stage during the years of Russell's administration. By the beginning of 1851 trial

¹Home Misc., 859, p.111, Hobhouse to Dalhousie, 7 February 1849.

²"the delegation was one of extraordinary power "including John Bright, Richard Cobden and ten other Midlands M.P.s, see D. Thorner, Investment in Empire, pp. 158-9.

³Home Misc., 859, p.175, Hobhouse to Dalhousie, 7 June 1849.

⁴Home Misc., 859, pp. 345-6, Russell to Dalhousie, 19 November 1850.

railway lines were under construction in Bengal and Bombay. By 1852 three small experimental telegraph lines had been set up in Bengal, and Dalhousie had written his minute on postal reform, though the approval from home of a uniform rate of postage had not yet been sent out.¹ A despatch giving instructions that a commission to enquire "into the whole subject of the superintendence and execution of public works ... should be formed at each Presidency",² had been sent out though the real extension of public works was to occur after the Russell Ministry had left office.³

The approaching debate on the Charter renewal promised a generalized pressure in Parliament on Indian questions, particularly upon public works "We are threatened with a great movement when the Indian Committee comes to be proposed" Hobhouse observed, but subsequently added: "I very much doubt whether we ought to volunteer any committee at all".⁴ Concerted pressure in Parliament might well have forced the Russell Ministry to take a comprehensive attitude on public

¹See M.N.Das, Studies in the Economic and Social Development of Modern India, pp. 63, 119, 181 & 186.

²See E/4/803, pp. 39)-1, India Public Despatches, 30 January 1850.

³Lee Warner begins his discussion of public works policy with Sir Charles Wood's arrival at the Board, op.cit., II, 182 seq. The works in the Punjab got off to a comparatively early start but this was largely owing to considerations of security in the newly conquered province. See Home Misc., 856, p.298, Dalhousie to Hobhouse, 22 December 1849.

⁴Home Misc., 859, p.357, Hobhouse to Dalhousie, 4 January 1851. ibid., p.358, Hobhouse to Dalhousie, 24 January 1851.

works had it remained in office after February 1852.¹ In that event the change would have been wholly due to British political considerations rather than administrative considerations, something which might be said for the Whig handling of British finance as well.

A recent study of "economic policy" in India during this period contains the comment, to do with public works, that "The East India Company, by the very nature of its structure and function, was ill equipped to provide the territory which it ruled with social overhead capital".² It has been the object of this study to show that the Minister for India was primarily responsible for such shortcomings. Under a Conservative Ministry Hardinge had put forth a programme of improvements, supported by the ability of the Government, whose finances had been restored and secured against the burdens of warfare, to borrow from the public. Under the returned Whigs, who did not share Hardinge's view of the prospects of Indian finances, or of peace, these projects were severely curtailed. That encouragement was subsequently given to works of public utility towards the end of the Russell Ministry, was due to political considerations rather than to a settled administrative policy.

Attitudes at home towards law reform in India were increasingly influenced by the impending discussions in Parliament on the renewal

¹ But even at this later date the Cabinet was in agreement with Hobhouse that they "should not propose any serious change" in the system of Indian Government. See Add. Mss. 43756, f 80, Hobhouse's Diary for 8 December 1851.

² R.D. Collison Black, "Economic Policy in Ireland and India in the Time of J.S. Mill", Economic History Review, XXI, 1968, p.335.

of the Charter in 1853. While Hobhouse himself had never been a strong supporter of the original conception of codification or of the Law Commission in general, and while the Court had, when opportunity arose, shown itself hostile to both, a Whig Ministry in particular would be under an obligation to show some tangible results over the legislative provisions of the Charter in 1853. Moreover the influence, in Whig circles, of those who had been closely associated with the comprehensive, Utilitarian, conception of law reform in India, Macaulay, Sir Edward Ryan and through him, Cameron, was considerable. Lord John Russell was disposed to offer Cameron's Legislative Councillorship to Ryan,¹ and it was the latter's refusal on grounds of his health which led at length to the appointment of J.E.D. Bethune, a Scottish Barrister, and a Whig in outlook rather than a Radical.

The question of filling up impending vacancies in the Law Commission allowed the Chairman in 1847 to raise once again the question of that body's existence. Hobhouse while concurring that the Commission had "little to do" was not inclined to make an approach to Parliament to have it formally abolished.² However when Bethune went out to India he took no instructions with him on the Commission and none followed him.³ In his private correspondence with the Fourth

¹Home Misc., 845, p.269, Russell to Hobhouse, 21 September 1847.

²Home Misc., 845, p.226, Tucker to Hobhouse, 2 August 1847.
Home Misc., 845, p.206, Hobhouse to Tucker, 3 August 1847.

³Home Misc., 855, p.184, Dalhousie to Hobhouse, 15 August 1848.

Member, and with Dalhousie, Hobhouse was consistently critical of the Commission. Nevertheless Bethune took the view that the Act of Parliament was "imperative" as to that body's existence and he therefore devised a plan by which "we will obey the law, and yet save the expense"¹ by selecting those already in the Company's employ and so saving the payment of the salaries. But while Hobhouse accepted this plan he scrupled at paying even the relatively small sum of 36,000 Rs. a year for a full time Secretary to the Commission.² Dalhousie, taking his lead from Hobhouse's privately expressed views, replied "I am not sorry to have your prohibition [on salaries] on which to rest my resistance to ... reappointment".³ No replacements were made and after 1848 the Commission became all but legally extinct.

Over codification, what definite support did come from home at this time was directed towards Macaulay's criminal Code. From the commencement of his correspondence with Bethune, if not before the Fourth Member had left England, Hobhouse urged upon the latter the importance of fitting Macaulay's work for legislation, "it would be a feather in more caps than one if you were to cut the Macaulay Code into laws",⁴ and here considerable importance appears to have been

¹Home Misc., 855, p.54, Bethune to Hobhouse, 2 May 1848.

²Home Misc., 859, p.82, Hobhouse to Dalhousie, 24 November 1848.

³Home Misc., 856, p.26, Dalhousie to Hobhouse, 7 February 1849.

⁴Home Misc., 859, p.31, Hobhouse to Bethune, 7 July 1848.

attached to the former Fourth Member and Whig Minister's authorship of the Code. This emphasis was continued throughout Hobhouse's term and Bethune's attempt to give his own interpretation to the work drew a sharp rebuke "a little bird [Dalhousie] informs me that you are cutting and slashing the Macaulay Code at a furious rate, and are determined it shall be a Bethune Code or nothing All you are asked to do is, to fit the Code for actual legislation".¹ When as a consequence of Bethune's untimely death in 1851 Sir Barnes Peacock was appointed Legislative Councillor Hobhouse wrote to Dalhousie "we have set him to work at once upon the Penal Code".² More support was now being extended from home towards codification than at any time since Charles Grant was at the Board and this was quite clearly due to the fact that the Whigs, if still in office at the time of the Charter renewal, would bear a particular responsibility for the fate of codification in India.

Another potent source of support for the primacy of Macaulay's code came from the supporters of the comprehensive conception of law reform among whom Sir Edward Ryan, a member of the Judicial Committee of the Privy Council who enjoyed considerable authority in Whig circles appears to have been the most active. After Cameron's departure from

¹Home Misc., 859, p.330, Hobhouse to Bethune, 6 October 1850.

²Home Misc., 860, p.105, Hobhouse to Dalhousie, 23 December 1851.

Calcutta the focus of the struggle for codification along Bethamite lines shifted to England, yet here too it would have considerable influence on the Fourth Member's activities at Calcutta.

One of the men Bethune wished to place upon the Law Commission was Frederick Millett, member of the Supreme Council, whose work on a digest of the existing civil procedure in the Company's Courts had been laid aside by the Law Commission in 1836 on the grounds that it "was on the point of being superceded by their Code of Procedure which would be enacted directly after their Criminal Code". Bethune wished Millett to proceed with his digest, but Ryan, displaying the same orthodox insistence on the primacy of codification as Cameron had done over the small cause court act, strongly criticised the prospect of Millett's taking up his digest while the Criminal Code remained undisposed of.¹ "so far as I can form a judgement" Hobhouse wrote to Bethune "I quite concur in this opinion and hope that you will not consider it necessary to continue your caresses to Mr. Millett so exclusively as to postpone the revision of the Criminal Code merely to please the author of the Digest".²

¹Home Misc., 855, p.196, Ryan to Hobhouse, 12 October 1848. Ryan and his colleagues also disallowed Sir Lawrence Peel's rules of pleading for the Supreme Court notwithstanding Bethune's favourable view of them. See Home Misc., 859, p.330, Hobhouse to Bethune, 6 October 1850.

²Home Misc., 859, p.66, Hobhouse to Bethune, 24 October 1848. For his part Bethune was not sympathetic to the Benthamite approach. He found Cameron's draft for the small cause court act "wild and impracticable" and Bethune's own act was far more in line with Sir Lawrence Peel's views. See Home Misc., 855, pp. 53-4, 2 May 1848.

Adherence to the generalized view of law reform and legislation on Ryan's part also contributed to the disallowance of Bethune's efforts to make British European subjects amenable to the jurisdiction of the Company's criminal courts outside the Presidency towns, the projected "Black Act" of 1850. Here Ryan argued that "the time now rapidly approaching for the renewal of the Charter must necessarily give rise to a full consideration of the administration of justice in India" and he added "if a temporary measure were deemed necessary ... the well considered scheme of the Law Commission ... might have been adopted".¹

Rather than controversial legislation,² what Hobhouse particularly desired from Bethune was the efficient preparation of individual acts which had relevance to English interests: "If instead of framing black Acts", the President complained, "he had been attending to the marriage bill, and to the Unchartered Bank question, his services might have been useful".³ The attitude displayed by Hobhouse towards the Law Commission, the Macaulay Code, the 'Black' and other individual acts, might well have appeared contradictory to those who took a comprehensive view of law reform, to men such as Ryan or Cameron. Viewed as being determined by the political consideration of the hour they were not. Indeed the attention paid to men of more

¹Home Misc., 848, pp. 182 and 183, Ryan to Hobhouse, 20 March 1850.

²It appears likely that the decision not to allow the passage of the "Black Act" of 1850 was due, in part, to apprehension of Parliamentary pressure similar to that exerted over the Black Act of 1836; the Caste Disabilities Act of 1850 was allowed which, though controversial in India, entailed no risk of being raised in Parliament.

³Home Misc., 859, p.284, Hobhouse to Dalhousie, 24 May 1850. The

or less Benthamite views such as Ryan could be seen as being dependent upon the weight they carried in Whig political circles.

The replacement of the Whigs by Lord Derby's Ministry in February of 1852 did not have the effect on Indian affairs which might be expected. The Ministry was admittedly of short duration, surviving until December of the same year, but then Peel's first Ministry had lasted for even less. The new Government's lack of administrative ability was notorious though the man who was given the Board, J.C. Herries, was one of the exceptions to this. But the most important deficiency was the absence of a settled approach to the problems facing the Government of the day. "Having rejected^{the}/abolition of protection in 1846 Derby and his colleagues were still without an agreed fiscal policy of their own, and Disraeli's attempt to introduce a budget at the close of the year was the disaster which brought about the fall of the Ministry. In foreign affairs there was an equal want of direction, and the relatively unknown Foreign Minister, Lord Malmesbury, and the Ministry at large showed themselves disposed to follow the advice of Lord Palmerston on major questions.¹ Thus the great party which Peel had reconstructed and

marriage bill for Christians in India had relevance to the continuing controversy in England on the Church's role in marriage.

¹ See W.D. Jones, Lord Derby and Victorian Conservatism, pp. 168-9.

endowed with a coherent fiscal and foreign policy was become by 1852 a rump, lacking leadership and direction. From the party of administration it had sunk to becoming the party of manoeuvre. The situation of the Ministry was not lost on the Governor General who writing to his confident remarked "I think the position of the present Government appealing to their opponents for forbearance, and at the same time refusing to say what they intend, is not tenable."¹

The hesitations, the change in attitude, and the length of time taken in arriving at a policy upon the Burmese War, displayed by the Derby Ministry was characteristic of their lack of direction on foreign affairs generally. At the Board Herries was initially "in hopes that nothing permanently mischievous may arise from the reported skirmish off Rangoon".² Though Dalhousie subsequently received approval of his conduct, no instructions were sent out until September, and in the meantime the Governor General complained, "I sincerely hope that I shall very shortly receive the instructions of the Government as to the future".³ When however Dalhousie did receive their Secret Despatch of 8 September he found its instructions "tantamount to ordering the conquest at once" of all Burma.⁴ The fact that he failed

¹ J.G.A. Baird, Private Letters of the Marquess of Dalhousie, p.199.

² Add. Mss. 57443, f.5, Herries to Ellenborough, 4 March 1852.

³ Add. Mss. 57411, f.60, Dalhousie to Herries, 7 August 1852.

⁴ Add. Mss. 57411, f.100, Dalhousie to Herries, 25 October 1852.

to act upon them is a comment upon the ineffectiveness of the Derby Ministry, and also upon the view that the effectiveness of the Indian policy of the Home Government was dependant upon the strength of the Ministry.

Derby in explaining to Herries why he inclined to the stiff line taken in the Secret Despatch rather than the more moderate one desired by Dalhousie, and advocated at home by Herries, explained: "Had I acted on my own judgement alone I should have been disposed to concur with the Governor General, and close the war by declaring our intention to retain the Province of Pegu ... but you will see that ... the Duke is of opinion that we ought to ... compel the King of Ava ... by an advance upon and if necessary, the capture of his Capital".¹ The Herries correspondence suggests that Derby was influenced by public opinion in favour of the war. It is certain however that a settled fiscal and financial policy had not, as in the case of the Peel Ministry in 1842, determined Derby's attitude.²

On the other great question of Indian policy facing the Derby Ministry, the forthcoming Charter Act, the same lack of a defined approach is apparent. Referring to Lord Derby's speech in the Lords

¹ Add. Mss. 57409, ff. 69-7P, Derby to Herries, 27 August 1852.

² In a letter to Derby of 31 August 1852 Disraeli objected to "this project of complete conquest" and used the Peelite argument: "The Indian revenue has already a deficit of one million and a half sterling. A prolonged war must increase it. We cannot distinguish Indian from English finance ultimately". Monypenny & Buckle, Disraeli, p.398.

upon moving for a Select Committee on the Indian territories, Herries told Dalhousie: " I believe that the public mind runs strongly in favour of the continuance of the present Act (with some slight changes perhaps) for another twenty years".¹ While the general tone of Derby's speech in the Lords had been remarkably liberal, due in part to generous borrowing from Macaulay's speech on the 1833 Charter Act,² it contained, apart from a defense of the Court's patronage, no concrete proposals for the future governance of India at all. Though the work done at the Board and in the Committees was considerable, before the Derby Ministry left office there is no evidence that a concrete plan had been arrived at. The fact that Herries raised an objection to only one provision of the plan of the succeeding Ministry³ tends to confirm this view, and the fact, that Lord Stanley, supported by Disraeli, subsequently brought forth a motion which amounted to support for the call for the Company's abolition,⁴ is clear evidence of the very divided views on the subject entertained by members of Lord Derby's government on the question.

Nor did Herries conduct of other matters display any marked departure from what had been done under the Russell Ministry. While it is true that Herries displayed a warm interest and support for

¹ Add. Mss. 57411, f.2, Herries, to Dalhousie, 8 April 1852.

² Hansard, 3S, CXX, 546 seq., esp. 558-9, 2 April 1852.

³ Hansard, 3S, CXXIX, 43-7, House of Commons, 11 July 1853.

⁴ Monypenny & Buckle, 3 pp. 511-13, Derby strongly objected to Disraeli's approach to the "Manchester school".

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works of public improvement, this was consonant with what any Ministry would have had to do, willingly or unwillingly, at a time when the whole question of Indian Government was coming before Parliament. Over policy towards the native states, where Herries himself had been one of those to condemn Charles Grant's proceedings towards Oudh in 1834, there is no evidence of any significant contribution, any reversal or moderating of what was now a frankly annexationist policy. The drafts and p-c.s at this time are mostly without comment by the Ministerial appointees of the Board and the President's remark which states "adopt the alterations proposed by Mr. Waterfield [The Senior clerk in the Secret Department, privy to all Hobhouse's dealings over the states]"² seems to convey this absence of any new sense of direction resulting from the return of the Conservatives under Derby.

The absence of an impact upon Indian policy from home during the Derby administration was due not to Indian considerations, but to the feeble nature of that administration.

The conduct of Indian policy during the first year of that coalition of Whig and Peelites which took office under Lord Aberdeen at the end of 1852, provides the sequel to the previous section. Just as the tottering Derby Ministry had shown itself incapable of

¹The Public Despatch of 3 March 1852, sanctioned under Herries, approved the formation of a separate public works department in India. An experimental line of railway at Madras was also sanctioned, and over telegraphs Herries assured Dalhousie that he would "do everything in my power to ... promote your intentions". See M.N.Das, pp. 67 & 127.

²See L/P&S/2/140-143 vol. 140, p.110, for Herries' note.

formulating effective policy, both as regards India and England, so now the Aberdeen Ministry, possessing both administrative skill and sufficient Parliamentary strength, was able to bring forth a triumphant budget and an effective India Act. Moreover as the Peelites brought with them the tradition of sound finance and conciliatory foreign policy there is an opportunity, once again, to observe their effect on the formulation at home of Indian policy. At the same time an opportunity is provided by the Whig identity of the President of the Board, Sir Charles Wood, to see where, and how much this fact had any particular influence. Finally the Charter Act of 1853 is the last act of Indian policy to be discussed in this study.

In the long run the Aberdeen coalition of Peelites and Whigs proved an unsatisfactory instrument for the maintenance of that pacific foreign policy upon which the success of Peel's fiscal policy, which was now being implemented and expanded by Gladstone, depended. The Cabinet discussions connected with the Crimean War showed only too clearly that Aberdeen's Whig colleagues had not become transformed into Peelites over foreign affairs.¹ Nevertheless the initial phase of the Ministry, when Gladstone was triumphantly carrying forward his budget of 1853, saw the Government intent on adopting a pacific or at least a cautious stance internationally, and this included Indian

¹See J.B.Conacher, The Aberdeen Coalition, pp. 233-68.

concerns. In contrast with the Derby Ministry's tardy arrival at a position on the Burmese War, a Secret Despatch was now sent out immediately after the Aberdeen Ministry took office, informing Dalhousie that "We should deplore the necessity of further conquest; and we strongly feel the many serious objections to the annexation of any other portion of the Burman Empire".¹ This despatch would, the President observed, have the effect "of modifying in some degree the instructions" of the previous Ministry, but such a course would have involved "a vast expense of men and money".² In 1853 the same connection between sound financial policy and a pacific foreign policy, as existed during Peel's administrations, is apparent.

Similarly, with the native states, the initially moderate line taken in the case of Oudh can quite clearly be seen to have been influenced by considerations of British foreign policy. "That we must take Oudh sooner or later I have no doubt", Wood responded to an anxious Dalhousie, but then added in a characteristically Whig manner: "the only question in my mind is the opportunity and the pretext". At present however "as it is very desirable not to show a grasping disposition... I am unwilling to occupy our principality. Brunnow attacked me the other day as to Pegu, saying that he did not see what

¹L/P&S/5/559, Secret Despatch of 23 December 1852, para. 3.

²Wood Papers, Letter Book 3, Wood to Dalhousie, 24 February 1853.

reason we had to complain of Russian encroachments on their neighbours".¹

In 1853 the renewal or otherwise of the Company's Charter, that is of the existing form of Indian Government, was one of the major questions facing the Aberdeen Ministry. The "state of public feeling and Parliamentary prospects with respect to the India Bill" were of course the crucial considerations and it was decided at length, and not without considerable division of opinion within the Cabinet, to legislate immediately rather than wait until the following session; that is, it was felt to be desirable to maintain the Company as an organ of Government. However if the Bill was to "pass through Parliament and secure the approbation of the country" Aberdeen felt it was indispensable to provide for the "abolition of all patronage" and an "improved composition of the Court of Directors ... as well as various [other] changes".² The reduction of the number of Directors to eighteen, three of whom were to be Crown appointees, was therefore more of a political gesture than a genuine administrative reform, and it certainly did nothing to increase the independence,

¹ W.P. Wood to Dalhousie, 21 October 1853. Wood had also shown a disinclination to comply with Dalhousie's desire to annex the small state of Kerauli. "I am not impatient to annex all of India" he commented. W.P., Wood to Dalhousie, 22 January 1853.

² Add. Mss. 43308, pp. 74 & 75, Aberdeen to the Queen, 20 March 1853. Lord John Russell however attempted to disassociate himself from an early settlement of the question and hence a continuation of the dual form of government as a means of courting Radical support in the same manner as Disraeli did over Stanley's motion.

that is the effectiveness, of the Court. Nor, of course, did the abolition of their patronage, which was another "indispensable necessity" as regards the Parliamentary prospects of the Bill. Nevertheless, this change was regarded as beneficial, the "best feature" of the Charter in Gladstone's view.¹

The Company was given no fixed term of years for the continuance of its Charter, in spite of the fact that it served as something of a barrier against the too forceful intervention of Parliament in Indian affairs. Nevertheless, the fact that the dual form of Government was preserved at all, is a testimony to the strength of the Aberdeen Ministry in face of the Radical demands for the abolition "of the anomalous form of the Home Government".

So far as the Government of India was concerned, Wood's contribution lay chiefly in maintaining unimpaired the authority of the Minister for India over the Indian Government. Dalhousie's memorandum and the evidence of the Select Committee provided materials on which the provisions of the act were drawn up, but they did not in themselves determine the shape of the changes in the Government of India.² Had Dalhousie's suggestions been accepted uncritically

¹Conacher, p.82, Gladstone attributed this provision to Aberdeen. The Duke of Argyll, Autobiography and Memoirs, I, p.420, attributes the Bill to Aberdeen and Sir Charles Wood.

²In the case of the Select Committee's investigations the Bill was in fact drawn up before these were finished.

the centralization of power in the Governor General's hands would have been carried even further than what had been envisaged in the recommendations sent home from India prior to 1833 thereby creating "a structure of government so imposing that the home authorities would find it difficult to resist". Dalhousie recommended that the subordinate Presidencies should be transformed into Lieutenant Governorships and their Councils disposed of. The power of appointing the Lieutenant Governors should be given to the Governor General. Among suggestions in a similar vein Dalhousie suggested that his power over the Royal Troops and the Royal Navy, serving in India, should be increased.¹ Wood however did not accept these suggestions. He did provide for a Lieutenant Governorship of Bengal, but this was on grounds of administrative efficiency rather than centralizing power in the Governor General's hands.

Wood accepted the suggestions of Dalhousie and others that the Supreme Council should be enlarged for legislative purposes. However he was not disposed to speculate, as Dalhousie did, "on the progress of events in the next twenty years", and to consider the eventual appointment of Indians to the Council. He did not provide that "other persons from time to time might be added to the Legislative Council by the Governor General in Council".² Concerned as

¹See Moore, pp. 47-9. Dalhousie's Memorandum is given in W.P. 78/11.

²See Sections 89 & 99 of Dalhousie's Memorandum.

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Wood was with problems of British politics and Indian administration, in this case the smooth working of the legislative machinery, anticipating events was no part of his concern.

Where in fact Wood was willing to deal with a prospective measure, over the provision of a second Law Commission, it is apparent that this was due primarily to British political considerations, particularly to his being a Whig. Dalhousie's Memorandum had made no mention of the Law Commission and his recommendation that a legal functionary in India should be appointed Fourth Member was consistent with his earlier exchanges with Hobhouse on the Commission and the Law Member.¹ However the pressure exerted in England on the subject was very considerable: "We have been a long time about Law Reform in England but now we have a mania on the subject" Wood told Dalhousie".² It appears from Wood's correspondence that Whigs and Radicals were more or less exclusively concerned with the creation of the second Law Commission and the appointments made to it are also an indication that Benthamite Radicals exercised a strong influence in Whig circles over Indian law reform. In particular Wood looked to Sir Edward Ryan and Cameron to perform "the heavy work of the Commission".³

¹ See section 91 of Dalhousie's Memorandum.

² W.P., Wood to Dalhousie, 8 March 1853.

³ W.P., Wood to the Lord Chancellor, Lord Campbell, a Whig, 26 September 1853.

For the most part the years of the Russell Ministry saw a negative influence exerted from home on the Indian administration. Hardinge's foreign and financial policies were carried on in spite of the views of the Minister and the Ministry rather than with their support, and his ambitious educational and public works programmes were actually curtailed. The arrival in India of the Russell Ministry's appointee, Dalhousie, saw the return to the situation where the President of the Board and the Governor General worked in unison in pursuit of a frankly annexationist policy towards the native states. It saw, too, the annexation of the Punjab and the extinction of the first Law Commission, both with at least tacit approval from home. Towards the end of the Russell Ministry interest manifested itself at home in railways, public works and law reform. What is significant about this development is that it did not arise within the Home Government as such, nor from the general policies pursued by the Ministry, but rather it came about in response to pressure exerted in Parliament, or the anticipation of such pressure. This of course is an important comment on 'policy' formation during a period of Whig government. It was not under the Whigs nor under the feeble Derby Ministry, notwithstanding the considerable personal efforts of J.C. Herries on aspects of Indian foreign and financial policy, that this rather negative situation was to be fundamentally changed. It was following the advent, in 1853, of a Ministry possessing adequate strength in Parliament, abundant administrative ability and pursuing Peelite fiscal and foreign policies that a really profound

effect was made from home on Indian foreign and financial policy, on public works, law reform and educational policy. That is to say, the quality of the policies of the Home Government of India appears to reflect the quality of the Ministry as a whole, something which the whole course of this study has tended to confirm.

Conclusion

A SUMMARY OF OBSERVATIONS ON THE PERIOD
AS THEY RELATE TO THE ARGUMENT

CONCLUSION

It was anticipated at the beginning of this study that the course of British politics would be of fundamental importance. Whether over foreign or financial policy, whether over policy towards the native states, on law reform or on matters more briefly dealt with, the policies pursued by the Home Government, and consequently those pursued by the Government of India, bore to a greater or lesser degree the stamp of the Ministry in power. The most striking aspect of this has been the manner in which the Home Government's policies have alternated as Conservative Ministry alternated with Whig, thereby bringing into strong relief the extent to which Indian policy was determined by the course of British politics. This contrast has also supplied the essential perspective for judging the role of principles and personalities as they affected Indian policy.

Nowhere has the contrast between the policy pursued under Whig Ministries and that pursued under Conservative Ministries been clearer than over the native states, nowhere has the nature of the Ministry at home been more clearly the essential element in the continuity of a policy. Under successive Whig Presidents of the Board a policy of intervention was steadily developed: from Grant's support of various creditors of native princes and his efforts to have the administration of Oudh assumed, through the close association

between Hobhouse and Auckland which saw the deposition of a number of native princes, the activity of the political agents and the significant annexation of Colaba to the great, financially important, annexations of Dalhousie's time. As a reflection on the role of personality in the development of policy it is remarkable that men of such different temperaments as Charles Grant and John Cam Hobhouse should have pursued fundamentally the same course, and much the same could be said of the way in which the cautious Auckland worked together with the more assertive Hobhouse. In the latter instance the complementary nature of the presence of a Whig President of the Board and a Whig Governor General, as regards the furtherance of a fundamentally interventionist policy, shows how artificial the attempt to attribute responsibility for a policy to the one or to the other sometimes is.

From the outset the Conservatives took an opposing stance to that adopted under the Whigs. While in opposition they attacked the transactions over Oudh in Grant's time, and again during Auckland's administration. With Ellenborough's arrival in India there was a complete reversal of policy towards the states heralded by his instructions to the political agents. Hardinge too on his arrival took immediate steps to see that the most conciliatory line of policy would be pursued towards the native states. With the return of the Whigs in 1846 a large gulf in the attitude of the Whig President and

the Conservative Governor General is apparent, one which is closed dramatically with the latter's replacement by the appointee of the Russell Ministry.

The attitudes or principles over the states proper to Whig or Conservative statesmen respectively were likewise in complete contrast. What to Auckland might appear, as in the case of the Colaba annexation, to be the just claims of the Government, were to Fitzgerald a matter of grasping at every tenure or territory that might lapse. What Hobhouse could denounce as "rickety systems", "wretched governments" and "foolish phantoms", Hardinge referred to as kingdoms in alliance with the British government by treaty. Whereas the First Afghan War might appear to a Whig President of the Board to be an opportunity for taking a more decided course of action that would be expedient in quiet times, a Conservative Governor General viewed the lenient peace he made with the defeated Sikh nation as a proof that "we don't voraciously take advantage of the misfortunes of an ally". Most deeply significant was the fact that the Whigs consistently maintained the financial advantages of annexation from the cautiously worded statements of the Report of 1832 and the paper by B.S. Jones to the explicit statements of Sir Charles Trevelyan, Auckland and Dalhousie. The Conservatives on the other hand were equally consistent in maintaining that such financial considerations were not proper to considerations of the Government's relations with the states for

as Peel had said over Oudh "If we were to usurp and assume to ourselves the Government and territory of Oude, let us take care that we did not show an interested motive for doing so".¹

The foreign policy of India closely paralleled that of Great Britain throughout our period. During the Melbourne Ministry there was a manifest connection between Palmerston's policy of preventing the advance of Mehmet Ali in the Middle East, and ultimately the spread of Russian and French influence there, and the operations of the Government of India on the Euphrates, in the Persian Gulf, and in the Red Sea. In the case of the war with China the Government of India was simply instructed, by the Cabinet in fact, to act as an auxiliary to Britain. These and other examples testify to the manner in which the pursuit of a liberal foreign policy by the Whigs leaned heavily upon Indian resources. Similarly with the Conservatives, Indian foreign policy was expected to complement that of Great Britain and therefore there was an almost complete reversal of the policies pursued under Auckland, a speedy end to the wars in Afghanistan and China, withdrawal from commitments in the Middle East, and a reduction of tension with Persia and the neighbouring countries of Nepal and Burma. Subsequently, the desire of the Ministry to maintain friendly relations

¹Hansard, 3S, XXV, 634, House of Commons, 28 July 1834.

with Russia very largely determined Hardinge's policy towards the Pun jab. After the return of the Whigs, in 1846, Russell's overtures towards the Peelites inclined the Government against overtly reversing Hardinge's policy, yet that policy received no real support from a Ministry which had abandoned the previous Government's entente with Russia. Nor did the Government of India receive any guidance, in a pacific sense, over relations with Burma until the Aberdeen Ministry, embodying the principles of Peelite foreign and financial policy, took office.

The position taken by the Whig Ministers in 1833 on Indian finances, that they should not constitute a permanent "burden on the finances of England", is understandable against the background of the pressure they were under from Parliament to redeem Lord Grey's pledge to reduce taxation and to economize upon the expenses of government. Grant's dictum that once the profits from the Company's trade were cut off "the administrators of the Indian revenues" would find themselves "compelled to confine their expenditure within their proper income", which was proved wrong in the event, was nevertheless consistent with this basic Whig position on Indian finances. Their reliance on general formulae at this time, which so greatly favoured the progress of Utilitarian doctrines, is also evinced in the administrative arrangements for Indian finances under the Charter, for while all control was statutorily vested in the Supreme Government an effective machinery of financial control in the shape of a separate

financial department or an Indian budget was not provided. Subsequently, successive Whig Chancellors of the Exchequer were consistently to refuse aid to Indian finances not only as regards such financial operations as the temporary substitution of Exchequer Bills for Company securities, but even as regards the prompt repayment of advances made by the Company on account of operations in China. Against the background of the enormous expenses India was incurring as a result of the active foreign policy pursued in Auckland's time, the failure of the Home Government to offer any prescription for the relief of India's ruined finances was an admission of the total bankruptcy of the Whig approach.

Strong financial administration was, of course, a central feature of the Governments of Sir Robert Peel and the more realistic approach to the problems of Indian finance displayed by the Conservatives followed from this. Ellenborough's criticism of the Whig arrangements for the sudden termination of the Company's trade amounted to a charge that the Ministry had put political considerations before financial ones. Ellenborough's creation of the Indian Finance Department in 1843 was consistent with his claim, made during his detailed attack on the financial aspects of the Charter Act of 1833, that the Whig plan had not provided adequately for an effective control of Indian expenditure. The great contrast between the Conservative and Whig approaches, however, emerged most clearly during the course of Sir Robert Peel's defence of his reimposition

of the income tax in 1842. Peel cited among the causes of this measure the financial burdens of warfare in Asia and he repudiated the idea that British finances had no interest in those of India since Britain was in fact their ultimate guarantor. In contrast with his Whig predecessors Sir Robert moved swiftly to relieve the pressure on the Company's Home Treasury by repaying the British Government's debts to it arising from the China war, even going so far as to make advances to the Company on that account. The restoration of India's finances was seen by Peel and his colleagues as one of the major tasks facing Ellenborough and the Governor General's efforts in this direction received the consistent support of the Ministry. The most profound contribution made by Peel's Government towards this end was of course the new direction in foreign policy which relieved Indian finances from the crushing burdens to which they had been subjected under Auckland. Despite the Russell Ministry's efforts, ostensibly at least, to comply with the financial and fiscal precedents set by the Peel Ministry, it was not until the advent of the Aberdeen Coalition that the relationship between sound financial policy and a pacific approach to foreign affairs was reestablished in the case of the Ministry's desire for a speedy termination of the Burmese War.

In the course of this study two alternative "sets" of Indian policy have emerged, one associated with the Conservatives and one with the Whigs. In the former set an insistence on sound financial

policy has gone together with an emphasis on a pacific foreign policy and a conciliatory approach to the native states. Under the Whigs, on the other hand, an increasingly aggressive foreign policy during Auckland's time was accompanied by the ruin of Indian finances, increased pressure on the land through resumptions, enhanced collections, and the growth of a policy towards the states aimed ultimately at their annexation. While during Russell's administration the influence from Home on Indian foreign policy was somewhat moderated, the same tendency towards increased military spending and an increased income from the land, particularly from annexations, is apparent.

The policy of "peace and consolidation" which Peel desired to see pursued in India was intimately connected with the foreign policy of his Ministry which in turn was the necessary accompaniment to his financial and fiscal policies. The foreign policies pursued by Auckland were due in part, at least, to the Whig tendency to lean upon Indian resources for the pursual of a foreign policy which, while popular enough, could not be supported by them from British resources alone. The Whig approach to problems involving Indian finances generally was of a more 'political' nature than that of the Conservatives under Peel, that is it inclined to making politically advantageous concessions or arrangements, whether over foreign policy, on the question of the continuance of the Company's trade or over public

works. A related tendency can be observed in the Whig influence upon Indian law reform.

The Law Commission had been conceived and created in Britain, and the progress of law reform can be seen to have depended primarily upon the support and direction it received from home. The Commission's creation and the initial appointments made to it, as well as its Radical program, testify to the influence exerted upon the Whig Ministers and their appointees at the Board during the years of Lord Grey's Ministry. The subsequent history of law reform, however, shows that neither Hobhouse, Auckland nor Melbourne felt himself committed to a prompt realization of the comprehensive program of law reform the Commission was charged with. However, it was only with the advent of the Conservatives in 1841 that a direct attack on the actual existence of the Commission, and of the Fourth Member of Council's position, was made. While during the Whig administration of Lord John Russell no effort was made to revivify the Commission's activities Hobhouse nevertheless rejected the Chairman's proposition that that body's existence should be terminated by statute.

The great difference between the Whig approach to law reform and that of the Conservatives does not appear to have been a doctrinal one. The views of A. Amos or W.E.D. Bethune, both Whig law reformers, were as empirical as those of Sir Lawrence Peel, and as far removed from the Benthamite principles of C.H. Cameron. The difference was essentially a political one; the influence which men imbued to a

greater or lesser extent with Utilitarian views enjoyed in Whig circles seems to have been the decisive factor in the success of their approach.

In the course of this study the Court of Directors have been regarded primarily as a check within the system of Indian government; any claim they might have to actually initiating policy via the preparation of despatches being considered either a formality or concerned with residual matters. It is true that the Court were involved in a number of cases involving the native states where the views of the Board were effectively checked: over the Lucknow bankers, and Grant's attempt to have the administration of Oudh assumed, over Auckland's treaty with the King of Oudh, the resumption of the Rohilla Jagirs, and the future of the Delhi succession. However it is noticeable in most of these instances that Parliamentary pressure had an important effect on the outcome. On law reform the Court who had had no voice in the creation of the Law Commission was unable even to circumscribe its activities, its views being expunged from the commentary despatch on the Charter. When, of course, the Court's views were in harmony with the Minister's, as was the case with the despatch prepared in Fitzgerald's time calling the Commission's existence into question, then the Court's voice could be heard. On individual questions affecting the social or religious life of Indians the Court might participate with the Board and the Governor General in bringing about a slower and more cautious implementation of what Parliament

had decreed; this was the case over slavery and the pilgrim tax but not with the question of removing restrictions to European entry into the interior of India. On foreign policy, a matter of vital interest to Indian finances, the Court were without an effective voice though on matters of supply such as the provision of steamships they could exercise an inhibiting effect on the progress of foreign policies they were not in agreement with. Generally speaking, the great despatches on financial questions seem to have been predominantly determined by the Board's views or the actions of the Ministry and the Governor General, as was the case with the despatches sent out as a consequence of the cessation of the Company's trade. While on individual questions of revenue policy such as the extension of periodic settlements in preference to permanent ones or the resumption of rent free tenures, the Court's opposition has been seen to have been of little effect.

As the permanent body of Indian experience within the system of Indian Government, the Court, notwithstanding the fact that some of its members were politically identifiable as Whigs or Liberals, performed a fundamentally conservative function, one which its apologists advocated to the end; the Director, Col. Sykes arguing in 1858 that the Ministerial plan to abolish the Company would result in "utter recklessness with regard to native institutions".¹ Nevertheless

¹ Debates at the East India House, W.H.Sykes, 15 January 1858, p.4.

it is apparent that over the annexation of native states and the resumption of rent free tenures, over the increased entrance of Europeans into the interior of India, most especially of missionaries, and on other matters that interfered with the religious or social customs of Indians, matters upon which the Court felt deeply and which were among the major causes of the Indian revolt of 1857-58, the Directors lacked sufficient power effectively to check the policies which successive Ministers for India, especially the Whigs or Liberals among them, were mainly responsible for. A major, if unofficial, function of the Court was thus to act as a convenient scapegoat for the failings of the Home Government as a whole.¹

The connection between Whiggism or Liberalism and British policy in India in the nineteenth century has generally received a larger and more sympathetic reception by historians than has that of Conservatism. This is partially explained by the fact that Whiggism and Liberalism lent itself more easily to expression in terms of general ideas, which while they often conflicted with political practice seem nevertheless to have been politically valuable to those who employed them. Indeed the author of a work on the British constitution during the nineteenth century expresses its theory entirely in Whig terms.² Bias aside, it is true that Peelite

¹The well known cartoon in the Liberal weekly Punch, the "Execution of John Company" which attributes the Mutiny to the Company's "blundering", "misgovernment" etc., is in its way a masterpiece of misrepresentation. See Punch, vol. 33, p. 65, 15 August 1857.

²See H.J.Hanham, The Nineteenth Century Constitution, pp. 1-5.

Conservatism found its expression in questions of administration rather than in constitutional questions, in an empirical approach to reform rather than a radical or organic one. The approach of this thesis has been to examine the connection between the actual conduct of the Ministry of the day and that of the Government of India, yet on this basis it is possible to examine how much the generalizations about the connection between Whiggism or Liberalism and Indian politics hold for our period, and perhaps even to add a new perspective for the remainder of the century as well.

Considering the part played by Charles Grant, Hobhouse and Auckland in the policies of intervention and annexation at the expense of the native states and of the latter two over the resumption of rent free and other tenures it cannot be maintained that a "Whiggish conviction of the importance of the landlord class in society"¹ affected their conduct in these matters. Nor does it appear tenable to view the changes made in the constitution of the Home and Indian Governments by Whig Ministers as being determined by the arguments put forward in their defense or in terms of Whig constitutional theory generally important though these undoubtedly are to the Whig Liberal historical tradition.² Macaulay's argument that the retention of the Company in 1833 would ensure an efficient check upon the "authority of the Crown" was manifestly hollow. Likewise the view that Sir Charles Wood's failure to comply with Dalhousie's

¹See Moore, p.180.

²R.J.Moore and H.J.Hanham are seen as representative of this tradition.

wish for the abolition of the Governorships of Madras and Bombay in 1853 was the response of a mid-Victorian liberal to the problem of despotism in India, the result of the desire to "protect India from the abuses of despotism"¹ raises the question of why the Whigs carried centralization so far in 1833. In fact the Whig connection with Utilitarian concepts of administrative centralization and law reform flew in the face of their own political tradition; ability or willingness to deal with changing political circumstances is not the same as an application of principle per se. The most consistent characteristic of the Whig attitude to constitutional changes in the system of Indian government in 1833, 1853 or in 1858 was the desire to see the power of the Indian Minister preserved, whether in face of the Governor General or of Parliament's increased power, and this went together with the allowance of the least authority possible to the coordinate body within the Home Government whether that was the Court of Directors or the Secretary of State's Council.

Finally, the tendency on the part of historians, within the Whig tradition, to attribute conscious positive Imperialism and 'jingoism'² to the Conservatives of the latter part of the country in particular does seem to ignore the very aggressive and interventionist character of the foreign and Indian policies of the Whig

¹See R.J.Moore, Liberalism and Indian Politics, pp. 8 and 10.

²See Hanham, pp. 1-2, and Moore, Sir Charles Wood, pp. 176-7.

Ministries of our period and the possible contribution they made to the situations with which subsequent Governments, Whig or Liberal, would have to deal.

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